

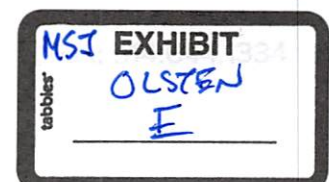
## WILLIAM OLSTEN 9/3/2021

Page 1		Page 3	
1	UNITED STATES DISTRICT COURT	1	UNITED STATES DISTRICT COURT
2	EASTERN DISTRICT OF MISSOURI	2	EASTERN DISTRICT OF MISSOURI
3	EASTERN DIVISION	3	EASTERN DIVISION
4		4	
5	RASHEEN ALDRIDGE, )	5	RASHEEN ALDRIDGE, )
6	Plaintiff, )	6	Plaintiff, )
7	vs. ) CASE NO. 4:18-cv-01677-CAS	7	vs. ) CASE NO. 4:18-cv-01677-CAS
8	CITY OF SAINT LOUIS, et. )	8	CITY OF SAINT LOUIS, et. )
9	al., )	9	al., )
10	Defendants. )	10	Defendants. )
11		11	
12	VIDEO RECORDED DEPOSITION	12	
13	OF	13	Video Recorded Deposition of WILLIAM OLSTEN,
14	WILLIAM OLSTEN	14	produced, sworn, and examined on the 3rd day of September,
15		15	2021, between the hours of 9:02 a.m. and 11:39 a.m. of that
16	Taken on Behalf of the Plaintiff	16	day, via Zoom Videoconference before LEI ANN ODOM, Certified
17		17	Court Reporter No. 428, Registered Merit Reporter, Certified
18	September 3, 2021	18	Realtime Reporter, and a Notary Public within and for the
19		19	State of Missouri, in a certain cause now pending in the
20	TAKEN VIA ZOOM <span style="background-color: yellow;">Olsten Exh. E</span>	20	United States District Court, Eastern District of Missouri,
21		21	Eastern Division, wherein RASHEEN ALDRIDGE is the Plaintiff,
22	(Whereupon, the deposition commenced at 9:02 a.m.)	22	and CITY OF SAINT LOUIS, et. al., are the Defendants.
23		23	
24		24	
25		25	

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1	INDEX	1	APPEARANCES
2		2	REPRESENTING THE PLAINTIFF, RASHEEN ALDRIDGE:
3	Examination by Mr. Khazaeli..... 7	3	JAVAD KHAZAEI, ESQ. (Appearing via Zoom)
4	Examination by Ms. Duncan..... 108	4	AARON BANKS, ESQ.
5	Reexamination by Mr. Khazaeli..... 110	5	Khazaeli Wyrsh LLC
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10		10	REPRESENTING THE DEFENDANT, CITY OF SAINT LOUIS, et. al. AND
11		11	JOHN HAYDEN:
12		12	
13		13	ABBY J. DUNCAN, ESQ. (Appearing via Zoom)
14		14	BRANDON D. LAIRD, ESQ.
15	EXHIBIT INDEX	15	St. Louis City Counselors Office
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21		21	REPRESENTING THE DEFENDANT AND CROSS-CLAIMANT, WILLIAM OLSTEN:
22		22	BRIAN P. MILLIKAN, ESQ. (Appearing via Zoom)
23		23	Millikan Law Office LLC
24		24	12180 Old Big Bend Road
25		25	Saint Louis, Missouri 63122

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<p style="text-align: right;">Page 5</p> <p>1 IT IS HEREBY STIPULATED AND AGREED, by and among  2 counsel for Plaintiff and counsel for Defendants that the  3 deposition of WILLIAM OLSTEN be taken before Lei Ann Odom,  4 Certified Realtime Reporter, Registered Merit Reporter,  5 Certified Court Reporter No. 428 for the State of Missouri,  6 and thereafter caused to be reduced to print by means of  7 computer-aided transcription, and the signature of the witness  8 being waived.  9  10 *****  11  12 THE VIDEOGRAPHER: We are on the record. Today's  13 date is September 3rd, 2021 and the time is 9:02 a.m.  14 This is the video recorded deposition of William  15 Olsten in the matter of Rasheen Aldridge versus City of  16 St. Louis, et. al., Case No. 4:18-cv-01677-CAS in the  17 United States District Court, Eastern District of  18 Missouri, Eastern Division.  19 This deposition is being held remotely via Zoom  20 link.  21 The Reporter's name is Lei Ann Odom. My name is  22 Keith Montgomery, I'm the Videographer. We are with  23 Alaris Litigation Services.  24 Would the attorneys present please introduce  25 themselves and the parties they represent.</p>	<p style="text-align: right;">Page 7</p> <p>1 was examined and testified as follows:  2  3 EXAMINATION  4 BY MR. KHAZAEI:  5 Q. Good morning.  6 A. Morning.  7 Q. Have you ever been deposed before?  8 A. Yes.  9 Q. Okay. So before we get started have you ever been  10 deposed on video before?  11 A. I believe I have.  12 Q. What about on Zoom?  13 A. I think so.  14 Q. Okay. So just to go over just a few ground rules,  15 sometimes there's a little bit of a lag when stuff happens on  16 Zoom which increases the likelihood that we're going to talk  17 over each other. When that happens it makes Lei Ann's job  18 very difficult so let's try, and I fall for this all the time,  19 let's try to make sure that I finish my answers before you  20 start to answer. And also let's make sure, and I'll try to do  21 my best, to let you fully answer before I start to talk.  22 Okay?  23 A. Yes.  24 Q. The second thing is when we're dealing with  25 technology sometimes there are some issues. If the screen</p>
<p style="text-align: right;">Page 6</p> <p>1 MR. KHAZAEI: Javad Khazaeli and Aaron Banks for  2 the Plaintiff.  3 MR. MILLIKAN: Brian Millikan for Defendant/  4 Cross-Claimant William Olsten.  5 MS. DUNCAN: Abby Duncan for Defendant Hayden and  6 City of St. Louis.  7 THE VIDEOGRAPHER: Would the Court Reporter please  8 read on the remote stipulation and then swear in the  9 witness.  10 THE COURT REPORTER: This is Lei Ann Odom and I am a  11 Registered Merit Reporter and Certified Court Reporter.  12 I will be administering the oath and reporting these  13 proceedings remotely via Zoom videoconference.  14 Counsel, please indicate your individual agreement  15 to this manner of proceeding, after which I will swear in  16 the witness and we may begin.  17 MR. KHAZAEI: Plaintiff's counsel so stipulates.  18 MR. MILLIKAN: Olsten's counsel stipulates.  19 MS. DUNCAN: Defendants City and Hayden so  20 stipulate.  21 THE COURT REPORTER: Mr. Olsten, would you raise  22 your right hand.  23  24 WILLIAM OLSTEN,  25 called as a witness by the Plaintiff, upon being duly sworn.</p>	<p style="text-align: right;">Page 8</p> <p>1 freezes in any way or if at some point you can't hear me,  2 we've been having Internet issues in our building recently, we  3 can take a quick break or pause stuff. Just let me know; I  4 don't want you answering any questions that you don't fully  5 understand. Okay?  6 A. Okay.  7 Q. If I ever ask you a question that you do not  8 understand feel free to ask me to clarify.  9 Also if any of the other attorneys make any  10 objections, just because we've got that lag thing going on,  11 just let them speak so that we don't have a lot of overlap.  12 Okay?  13 A. Okay.  14 Q. Will you state your name for the record?  15 A. William Olsten.  16 Q. All right. And I don't need your full address, Mr.  17 Olsten, but where, what city do you live in?  18 A. Fenton, Missouri.  19 Q. Where do you currently work?  20 A. For Coatings Unlimited.  21 Q. And what type of work is that?  22 A. It's construction.  23 Q. When did you first become a police officer?  24 A. I was in the Academy in 2007 and commissioned as an  25 officer in June of 2008.</p>

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<p>1 Q. Was that always with the St. Louis Metropolitan 2 Police Department? 3 A. Yes. 4 Q. Have you ever worked for any other police 5 departments? 6 A. No. 7 Q. Have you ever worked in the military? 8 A. No. 9 Q. So is it fair to say that the only police training 10 you've ever received is from the St. Louis Police Department? 11 A. For the most part. 12 Q. When you say for the most part, what does that mean? 13 A. So I've gone to other trainings outside of the 14 Department that independent companies host, but for the major 15 training it's been through the Department. 16 Q. Those other trainings that you went to, did you go 17 there as a member of the Police Department or were you doing 18 training – 19 A. Yes. 20 Q. – for some kind of secondary? 21 A. As a member, as the Police Department. 22 Q. While you were at the Police Department did you ever 23 do any secondary security duty? 24 A. Yes. 25 Q. Who did you work for?</p>	<p>1 officer would give to an individual. 2 Q. So you think any commands? Are there any specific 3 commands in 2017 that a St. Louis police officer was supposed 4 to give before using a chemical weapon? 5 A. Yes. The command of get back or stay back was a 6 lawful command used. 7 Q. Beyond that were there any other commands that a 8 police officer was supposed to use? 9 A. I don't recall, sir. 10 Q. Let's go to – you said that you were in the Academy 11 in 2007. What type of training did you receive in the 12 Academy? 13 A. I received legal training, defensive tactics, 14 traffic enforcement. Basically everything that's – you're 15 going to be doing as a police officer. 16 Q. Let's go through your legal training. Give me a 17 brief summary of what your legal training was. 18 A. They just go over state statutes and city ordinances 19 and department policies. 20 Q. And why did you have to learn about city ordinances? 21 A. To familiarize yourself with the laws of the city 22 you're going to patrol. 23 Q. But why was that important for a police officer to 24 know? 25 A. So you're not – so you're enforcing the correct</p>
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<p>1 A. It's been a long time. I think I worked for The 2 Trophy Room. I also worked for Bar 101. And that's all I can 3 really remember right now, I'm not sure. 4 Q. Did you ever work for any of those organizations 5 like The City's Finest or CGI or any of those other private 6 police forces? 7 A. No. 8 Q. So your secondary duty was like limited to working 9 at bars and restaurants? 10 A. Yes. 11 Q. Okay. I'm going to take you back to the incident in 12 September 2017 at Busch Stadium. Do you remember that 13 incident? 14 A. Yes. 15 Q. At that time what was the City of St. Louis's policy 16 on the use of chemical weapons? 17 A. It was used as a non-deadly alternative to control a 18 combative or belligerent individual or to effect a lawful 19 arrest or to disperse a volatile crowd. 20 Q. Do you remember you anything else about the specific 21 policy at the time? 22 A. Just that it's to be used as an alternative to 23 physical contact and is to be used after verbal commands fail. 24 Q. And what type of verbal commands? 25 A. Any verbal commands that a lawful law enforcement</p>	<p>1 laws when you're enforcing law. 2 Q. So you'd agree with me that a police officer needs 3 to know the elements of a law before he can enforce it; 4 correct? 5 A. Yes. 6 Q. In September 2017 what were the elements of the St. 7 Louis ordinance for unlawful assembly? 8 MR. MILLIKAN: I'm going to object just to the 9 extent that it calls – could call for a legal 10 conclusion. 11 To the extent, Bill, that you know you can answer. 12 Q. (By Mr. Khazaeli) I'll ask the question again: In 13 September 2017 what was your understanding of the elements of 14 the St. Louis ordinance for unlawful assembly? 15 THE WITNESS: I'm sorry – 16 MR. MILLIKAN: Same objection. 17 THE WITNESS: I'm sorry, Javed, Brian, I didn't 18 hear what you said there at the end. 19 MR. MILLIKAN: Same objection. Just you can – you 20 can answer. To the extent that you know. 21 A. Okay. As far as I knew we – it was lawfully 22 assembled whenever the protest began. At some point 23 throughout the incident it became unlawful. 24 Q. (By Mr. Khazaeli) How did it become unlawful? What 25 made it unlawful?</p>

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<p>1 A. There were assaults on law enforcement officers and</p> <p>2 refusal to obey lawful commands.</p> <p>3 Q. And for an unlawful assembly, is there a number of</p> <p>4 people that need to be involved in any of this malfeasance for</p> <p>5 it to be an unlawful assembly?</p> <p>6 MR. MILLIKAN: I'm going to object again. Calls for</p> <p>7 a legal conclusion.</p> <p>8 To the extent that you know, Bill, you can answer.</p> <p>9 A. Yeah, I'm not –</p> <p>10 MR. KHAZAEI: Hey, Brian?</p> <p>11 MR. MILLIKAN: Yeah.</p> <p>12 MR. KHAZAEI: Brian, I'm going to ask a few</p> <p>13 questions about different ordinances. You want to just</p> <p>14 do a running objection?</p> <p>15 MR. MILLIKAN: If that – that would be preferred as</p> <p>16 long as you're okay with that.</p> <p>17 MR. KHAZAEI: I'd prefer it that way too.</p> <p>18 MR. MILLIKAN: Okay.</p> <p>19 MR. KHAZAEI: Okay.</p> <p>20 Q. (By Mr. Khazaei) So Mr. Olsten, what that means is</p> <p>21 that your counsel has a running objection about my not being</p> <p>22 able to use this for legal conclusions but that you can still</p> <p>23 go ahead and answer these to the best of your ability. Okay?</p> <p>24 A. Okay.</p> <p>25 Q. So let's go back to the unlawful assembly. Based on</p>	<p>1 A. Again, I don't remember exactly what the training</p> <p>2 was.</p> <p>3 Q. What about the First Amendment?</p> <p>4 A. I don't remember exactly what the training was.</p> <p>5 Q. Do you remember any kind of training that you</p> <p>6 received about Constitutional rights that people protesting</p> <p>7 have?</p> <p>8 A. It's been so long since the Academy, I'm not sure</p> <p>9 exactly what training they gave us.</p> <p>10 Q. Did you ever receive additional training while you</p> <p>11 were an officer after you left the Academy?</p> <p>12 A. Yes.</p> <p>13 Q. And you were an officer for almost ten years, more</p> <p>14 than ten years; correct?</p> <p>15 A. Yes.</p> <p>16 Q. So during your ten plus years of being an officer</p> <p>17 what trainings do you remember about the Constitutional rights</p> <p>18 of protesters?</p> <p>19 A. I don't recall exactly what training the Department</p> <p>20 gave. I would have to refer to training history.</p> <p>21 Q. Sitting here today, though, do you remember any</p> <p>22 aspects of those trainings?</p> <p>23 A. Not off the top of my head.</p> <p>24 Q. Do you think in September 2017 you would have</p> <p>25 remembered specific aspects of those trainings?</p>
Page 14	Page 16
<p>1 your knowledge in September 2017 was there a – did the</p> <p>2 ordinance require a certain number of people to be involved</p> <p>3 for it to be an unlawful assembly?</p> <p>4 A. I don't know an exact number.</p> <p>5 Q. Based on your knowledge do you recall if the</p> <p>6 ordinance required those people to do anything for it to be</p> <p>7 considered an unlawful assembly?</p> <p>8 A. I'm not sure.</p> <p>9 Q. Okay. Now, back in 2017 what was your understanding</p> <p>10 of the requirements for the St. Louis ordinance for impeding</p> <p>11 traffic?</p> <p>12 A. I knew that it was an ordinance to not impede</p> <p>13 traffic. However, the Department was allowing it for the</p> <p>14 protesters at this event.</p> <p>15 Q. Okay. What – so let's go through your training.</p> <p>16 Did you get any training at the Academy on Constitutional law?</p> <p>17 A. Yes.</p> <p>18 Q. What is your recollection of what you were trained</p> <p>19 on regarding the Fourth Amendment?</p> <p>20 A. The Fourth Amendment?</p> <p>21 Q. Yes.</p> <p>22 A. I don't remember exactly what the training was.</p> <p>23 Q. What about the Fifth Amendment?</p> <p>24 A. I don't remember exactly what the training was.</p> <p>25 Q. What about the Sixth Amendment?</p>	<p>1 A. It's possible.</p> <p>2 Q. But you're not sure.</p> <p>3 A. Not sure.</p> <p>4 Q. Do you think in September 2017 you would have known</p> <p>5 the specific elements of the ordinances I've asked you about?</p> <p>6 A. It's possible.</p> <p>7 Q. But you're not sure?</p> <p>8 A. I'm not sure.</p> <p>9 Q. Okay. Have you ever heard of a Federal case called</p> <p>10 Templeton v. Dotson?</p> <p>11 A. No, I have not.</p> <p>12 Q. Were you – you were working at the Police</p> <p>13 Department when the Michael Brown verdict came down; right?</p> <p>14 A. Yes.</p> <p>15 Q. Did you work in the protest during the Michael Brown</p> <p>16 protest?</p> <p>17 A. I was actually on vacation when that started but I</p> <p>18 was up there for a couple days at the very end.</p> <p>19 Q. Okay. Do you remember ever being told by anybody</p> <p>20 within your chain of command that the policies regarding how</p> <p>21 police regard – react to protests changed after the Michael</p> <p>22 Brown case?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you remember any specific trainings after Michael</p> <p>25 Brown but before the incident in this case where you were told</p>

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1 that St. Louis Police policies changed regarding the use of  
 2 chemical weapons?  
 3 A. I don't recall.  
 4 Q. Sitting here -- but sitting here today you can't  
 5 remember any of those; correct?  
 6 A. I don't remember if anything changed after --  
 7 Q. Okay.  
 8 A. -- that.  
 9 Q. Let's go to the incident did that night. After that  
 10 incident when was the first time that you were questioned  
 11 about what occurred on the night of the Busch Stadium protest  
 12 by anybody in law enforcement?  
 13 A. It would be a guess. I'm assuming it would be  
 14 after, you know, sometime after the event happened.  
 15 Q. Approximately how long?  
 16 A. I'm not sure, sir.  
 17 Q. Do you remember who spoke to you?  
 18 A. No.  
 19 Q. Do you remember if it was somebody with Internal  
 20 Affairs that spoke to you?  
 21 A. No.  
 22 Q. Do you know if it was somebody named Sergeant Wall,  
 23 W-a-l-l?  
 24 A. No.  
 25 Q. Do you recollect at all whether anybody ever spoke

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1 report.  
 2 Q. Okay. So you don't remember any officers talking to  
 3 you where they were investigating your actions that night?  
 4 A. No.  
 5 Q. Okay. Because I would assume, and tell me if I'm  
 6 wrong here, if somebody were to call you in and say, hey,  
 7 we're investigating you for criminal activities, what would  
 8 your first reaction -- what would the first thing that you do?  
 9 What would be the first thing that you would do?  
 10 A. I would contact my attorney.  
 11 Q. You would call the union or your attorney; correct?  
 12 A. Yes.  
 13 Q. Do you remember ever doing that with regards to this  
 14 case?  
 15 A. No.  
 16 Q. Okay.  
 17 MR. MILLIKAN: Well, I just want to make sure the  
 18 record's clear because at some point obviously, Javad, he  
 19 was charged so he did obviously contact someone then but  
 20 I just -- for the record --  
 21 MR. KHAZAEI: Let me clarify. I can clarify.  
 22 MR. MILLIKAN: Okay.  
 23 Q. (By Mr. Khazaeli) Before you were criminally  
 24 charged were you ever approached by an investigator from the  
 25 Police Department?

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1 to you?  
 2 A. I'm sorry. What was the question?  
 3 Q. Do you recollect at all if anybody ever interviewed  
 4 you about what happened that night who was a part of the St.  
 5 Louis Police Department?  
 6 A. I don't -- I don't recall who I spoke with after it.  
 7 Q. But when you recall -- but did you speak to  
 8 somebody, though?  
 9 A. I'm sure I did.  
 10 Q. Okay. Do you remember anything about that  
 11 interview?  
 12 A. Not off the top of my head. I'd have to --  
 13 Q. Let's go through --  
 14 A. I'm sorry.  
 15 Q. At the time -- sorry. Go ahead. Did I cut you off?  
 16 Go ahead and finish.  
 17 A. Yeah. I said not off the top of my head. I'd have  
 18 to refer to a police report.  
 19 Q. I'm talking about specifically any investigations  
 20 into your actions that night. Do you remember if IAD ever  
 21 spoke to you about your actions that night?  
 22 A. I don't believe they did.  
 23 Q. Okay. Do you remember if any Police Department  
 24 officers spoke to you about your actions that night?  
 25 A. If so it would've just been the author of the police

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1 A. No, I was not.  
 2 Q. Okay. What unit were you working with at the time  
 3 of the incident?  
 4 A. I believe it was the Special Operations Division.  
 5 Q. And who was your supervisor at that time?  
 6 A. My immediate supervisor was Eric Bartlett.  
 7 Q. He's a Sergeant; right?  
 8 A. Yes.  
 9 Q. Tell me about the Special Operations Unit. What  
 10 does the Special Operations Unit do?  
 11 A. So at that time our mandate was to basically go  
 12 after violent offenders who were committing gun crimes and  
 13 narcotics violations.  
 14 Q. Have you ever heard of the phrase the Jump Out Boys?  
 15 A. I'm sorry. What was that? You cut out.  
 16 Q. Have you ever heard of the phrase, the Jump Out  
 17 Boys? J-u-m-p O-u-t, the Jump Out Boys.  
 18 A. Yes, I have.  
 19 Q. And have you ever heard that phrase used to refer to  
 20 the Special Operations team?  
 21 A. It's possible.  
 22 Q. Have you ever heard that phrase being used for the  
 23 Special Operations Team?  
 24 A. It's possible.  
 25 Q. When you say it's possible, I'm trying to clarify.

5 (Pages 17 to 20)

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<p>1 Do you remember ever hearing anybody refer to the Special</p> <p>2 Operations Team as the Jump Out Boys?</p> <p>3 A. I don't remember anyone specifically, no, sir.</p> <p>4 Q. But do you remember that ever happening? I don't</p> <p>5 need to know who the person was, but do you remember anybody</p> <p>6 ever or ever having heard of the Special Operations Team</p> <p>7 referred to as the Jump Out Boys?</p> <p>8 A. I don't remember.</p> <p>9 Q. Who was your partner with the Special Operations</p> <p>10 Team in September of 2017?</p> <p>11 A. Officer Zajac.</p> <p>12 Q. Could you spell Zajac for the record?</p> <p>13 A. Z-a-j-a-c.</p> <p>14 Q. Do you still keep in touch with Officer Zajac?</p> <p>15 A. Yes.</p> <p>16 Q. Where is he currently employed?</p> <p>17 A. I believe he's still on the books for the Police</p> <p>18 Department. However, he's been out injured for a while and I</p> <p>19 think he's going to be medically retired is what he's trying</p> <p>20 to do.</p> <p>21 Q. So you believe that he's out on an injury, on an</p> <p>22 injury leave; right?</p> <p>23 A. Yes.</p> <p>24 Q. And what do you think is going to happen? What do</p> <p>25 you believe is going to happen as a result of that?</p>	<p>1 assigned. I was there for a short period of time and he was</p> <p>2 working in the Fifth District as well.</p> <p>3 Q. Were you ever partners?</p> <p>4 A. No.</p> <p>5 Q. Have you ever socially hung out with Officer Boone?</p> <p>6 A. No, I have not.</p> <p>7 Q. Are you aware that Officer Boone was indicted and</p> <p>8 convicted regarding the beating of an officer, Luther Hall?</p> <p>9 A. Yes.</p> <p>10 Q. And are you aware that during that trial some of</p> <p>11 Officer Boone's text messages were released?</p> <p>12 A. Just what I've seen in the news, sir. I don't have</p> <p>13 any personal knowledge of it.</p> <p>14 Q. Okay. Are you aware that some of the text messages</p> <p>15 that were released were text messages between Officer Boone</p> <p>16 and your partner, Officer Zajac?</p> <p>17 A. I'm not aware of that.</p> <p>18 Q. Nobody has told you in the last five months that</p> <p>19 there were text messages that were publicly released in the</p> <p>20 newspapers between Officer Boone and Officer Zajac?</p> <p>21 A. Again, I don't remember, sir. Just what I – just</p> <p>22 what I've seen in the news. It's a situation that I did not</p> <p>23 want to ask any questions about to anyone because I didn't</p> <p>24 want to even know about it.</p> <p>25 Q. Are you aware that in these text messages Officer</p>
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<p>1 A. I believe he's trying to seek medical retirement.</p> <p>2 Q. Tell me what you know about medical retirement.</p> <p>3 A. Very little.</p> <p>4 Q. But just generally what happens when somebody gets a</p> <p>5 medical retirement?</p> <p>6 A. Basically if they receive an injury while on duty</p> <p>7 that renders their ability to be a police officer again that</p> <p>8 they can be medically retired.</p> <p>9 Q. And that's a lifetime retirement; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And you get some form of payment for the rest of</p> <p>12 your career until you get to retirement age; correct?</p> <p>13 A. I believe so.</p> <p>14 Q. Are you familiar with an officer named Dustin Boone?</p> <p>15 A. Yes.</p> <p>16 Q. How do you know Dustin Boone?</p> <p>17 A. I know him from the Police Department.</p> <p>18 Q. How well do you know him?</p> <p>19 A. Not well.</p> <p>20 Q. Have you ever worked with him?</p> <p>21 A. A very, very short period of time.</p> <p>22 Q. When?</p> <p>23 A. I believe it was in 2000 – it's whenever the</p> <p>24 Narcotics Division was dispersed back into the districts, I</p> <p>25 was transferred to the Fifth District where he was also</p>	<p>1 Zajac is buying illegal drugs from Officer Boone?</p> <p>2 A. No.</p> <p>3 Q. Are you aware of your partner, Officer Zajac, ever</p> <p>4 using illegal drugs?</p> <p>5 A. No.</p> <p>6 Q. You've never seen him with pills?</p> <p>7 A. No.</p> <p>8 Q. You've never seen him with any type of illegal</p> <p>9 substances?</p> <p>10 A. No.</p> <p>11 Q. Have you ever used any illegal substances?</p> <p>12 A. No.</p> <p>13 Q. Never used any drugs?</p> <p>14 A. Never.</p> <p>15 Q. Never used marijuana?</p> <p>16 A. I have never smoked marijuana in my life.</p> <p>17 Q. Ever used any steroids?</p> <p>18 A. No.</p> <p>19 Q. Ever used any kind of ADHD type medicine?</p> <p>20 A. No.</p> <p>21 Q. And Officer Zajac was your partner on Special Ops;</p> <p>22 correct?</p> <p>23 A. Yes, he was.</p> <p>24 Q. Did you ever work with – no. Let me take that</p> <p>25 back.</p>

6 (Pages 21 to 24)

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<p>1 Did you ever work with an Officer Ronald Vaughan?</p> <p>2 A. Yes.</p> <p>3 Q. When did you work with Officer Ronald Vaughan?</p> <p>4 A. He was also assigned to the Special Operations</p> <p>5 Division.</p> <p>6 Q. How long – let's take a jump. How long were you on</p> <p>7 Special Ops?</p> <p>8 A. Several years.</p> <p>9 Q. Okay. Do you remember exactly when? Or roughly.</p> <p>10 How about roughly? Do you remember roughly –</p> <p>11 A. Roughly I would say four years maybe but, I mean,</p> <p>12 they changed the name of it a couple times so I'm not – you</p> <p>13 know, it was Narcotics, it was Special Operations but it was</p> <p>14 all basically the same thing.</p> <p>15 Q. Let's take a step back. You mentioned a while ago</p> <p>16 that Officer Boone got moved off of Narcotics when it was</p> <p>17 dissolved. Were you on Narcotics when the Narcotics Team got</p> <p>18 dissolved?</p> <p>19 A. I'm sorry. What was the first part of the question?</p> <p>20 Q. I think you testified earlier that when you worked</p> <p>21 with Officer Boone it's when he was absorbed back into the</p> <p>22 Fifth District; correct?</p> <p>23 A. It's whenever –</p> <p>24 Q. Okay.</p> <p>25 A. – I was absorbed in the Fifth District, yes. I was</p>	<p>1 correct?</p> <p>2 A. Correct.</p> <p>3 Q. What did you do in the Third District?</p> <p>4 A. Just a patrol officer.</p> <p>5 Q. And at that time can you just give me the rough</p> <p>6 borders of the area that was the Third District?</p> <p>7 A. It used to be 44 was the northern boundary I</p> <p>8 believe; the river, Mississippi, was the eastern boundary;</p> <p>9 Chippewa was the southern boundary; and I believe Kingshighway</p> <p>10 was the western boundary.</p> <p>11 Q. Okay. So kind of the south city area like directly</p> <p>12 around where St. Louis University Hospital is, that type of</p> <p>13 area; right?</p> <p>14 A. South, south of 44.</p> <p>15 Q. Okay.</p> <p>16 A. So it wouldn't be the hospital in there.</p> <p>17 Q. All right. I meant the new hospital. There's that</p> <p>18 new fancy hospital there. Okay.</p> <p>19 So Third District you were basically just a patrol</p> <p>20 officer; correct?</p> <p>21 A. Basically, yes.</p> <p>22 Q. August 20th, 2012 you were transferred to something</p> <p>23 called the Rapid Deployment Unit. What is that? I haven't</p> <p>24 seen that before.</p> <p>25 A. The Rapid Deployment Unit was a unit that was</p>
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<p>1 assigned to Narcotics and that unit was dissolved – absorbed</p> <p>2 into the area districts.</p> <p>3 Q. So how long were you with Narcotics?</p> <p>4 A. Again, it was – it was basically the same thing as</p> <p>5 Special Operations. We never left the same – we were in the</p> <p>6 same building, same desks, everything. So it's hard to say –</p> <p>7 Q. Okay.</p> <p>8 A. – exactly when that transition was, just the</p> <p>9 renaming. But maybe a year or so.</p> <p>10 Q. I think just to make this easier, because I don't</p> <p>11 really like during depositions when we belabor a lot of</p> <p>12 points, I'm going to see if I can share this screen. Am I</p> <p>13 able to share it? Good.</p> <p>14 I am going to put up on the screen what has been</p> <p>15 identified to me as City's exhibits in Aldridge v. City, 00005</p> <p>16 through 0008 and this is your profile. Okay?</p> <p>17 A. Okay.</p> <p>18 Q. And let's just go through this.</p> <p>19 You see here October 2007, that's when you were a</p> <p>20 new hire; correct?</p> <p>21 A. Yes.</p> <p>22 Q. And then you would have been on – some form of</p> <p>23 probationary officer for about a year; right?</p> <p>24 A. Right.</p> <p>25 Q. And then you were in the Third District for a while;</p>	<p>1 citywide and their mandate was to go into high crime</p> <p>2 neighborhoods, similar to the hot spot policing. If there's a</p> <p>3 lot of crime in one area, we would go to that area.</p> <p>4 Q. How was that different than the Special Operations</p> <p>5 Team?</p> <p>6 A. The Rapid Deployment Unit was uniformed and we drove</p> <p>7 uniform police vehicles.</p> <p>8 Q. And it looks like you were on that team for seven</p> <p>9 months. Does that look right?</p> <p>10 A. Yes.</p> <p>11 Q. How were you selected for the Rapid Deployment Team?</p> <p>12 A. You have to apply for it and interview.</p> <p>13 Q. All right. And then you left the Rapid Deployment</p> <p>14 Team in March of 2013; correct?</p> <p>15 A. Yes.</p> <p>16 Q. What was the impetus for you leaving the team?</p> <p>17 A. Whenever the new chief took over I believe he</p> <p>18 dissolved the Rapid Deployment Unit back into the districts.</p> <p>19 Q. Okay. Good. Then you went back to the Third</p> <p>20 District. What did you do on the Third District? You were</p> <p>21 there for about three months.</p> <p>22 A. Just patrolled.</p> <p>23 Q. All right. And after you left the Third District</p> <p>24 how did you get on Special Ops?</p> <p>25 A. Applied and interviewed.</p>

7 (Pages 25 to 28)

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<p style="text-align: right;">Page 29</p> <p>1 Q. So basically is it fair to say that from June of</p> <p>2 2013 until you were moved to admin duty – I'm sorry, until</p> <p>3 you were moved to the Fifth District in April of 2018 that you</p> <p>4 were on either Special Ops or Narcotics the whole time?</p> <p>5 A. Yes.</p> <p>6 Q. So you were there from 2013 from, it looks like</p> <p>7 here, June 24th, 2013 until you were transferred to the Fifth</p> <p>8 District on April 15th, 2018; correct?</p> <p>9 A. Correct.</p> <p>10 Q. What does return from limited duty mean?</p> <p>11 A. It means if you're like out injured, once you get a</p> <p>12 clearing from a doctor to come back to work and they return</p> <p>13 you from limited duty.</p> <p>14 Q. Okay. So you were put on limited duty in 2016.</p> <p>15 What was that about?</p> <p>16 A. I believe that was a car accident.</p> <p>17 Q. Was it a chase or was it just a car accident?</p> <p>18 A. It was a – we got T-boned by a guy who was fleeing</p> <p>19 from our detectives.</p> <p>20 Q. In September, early September, before this incident,</p> <p>21 2017 you were also on limited duty. What was that for?</p> <p>22 A. I honestly don't recall right now what that was</p> <p>23 from.</p> <p>24 Q. Okay. But you would agree with me that you came</p> <p>25 back from limited duty on September 12th, 2017; right?</p>	<p style="text-align: right;">Page 31</p> <p>1 A. No.</p> <p>2 Q. But it's fair to say when you're in Special Ops you</p> <p>3 often do operations with more than just your partner; right?</p> <p>4 A. That's fair.</p> <p>5 Q. And you would have – did you do larger operations</p> <p>6 with Officer Vaughan?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know what Officer Vaughan – well, sorry.</p> <p>9 Strike that.</p> <p>10 Did you ever socialize with Officer Vaughan?</p> <p>11 A. Yes.</p> <p>12 Q. Tell me about that.</p> <p>13 A. You mean outside of work?</p> <p>14 Q. Yes.</p> <p>15 A. I believe I've gone to a Christmas party or two that</p> <p>16 he hosted over the years. Apart from that, we didn't</p> <p>17 socialize much outside of work.</p> <p>18 Q. When was the last time you spoke to Officer Vaughan?</p> <p>19 A. After he was indicted.</p> <p>20 Q. Actually, let's jump – I forgot something. Let's</p> <p>21 jump back to Officer Zajac. Okay?</p> <p>22 A. Okay.</p> <p>23 Q. I just told you about text messages that were</p> <p>24 released publicly between Officer Boone and your former</p> <p>25 partner where your former partner is obtaining illegal</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes.</p> <p>2 Q. And that's about two weeks before the incident</p> <p>3 occurred; correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. We'll get to why you were moved to admin duty</p> <p>6 later. Okay.</p> <p>7 So you were on Special Ops or Narcotics for upwards</p> <p>8 of four years; right?</p> <p>9 A. I'm sorry?</p> <p>10 Q. You were on Special Ops or Narcotics for upwards of</p> <p>11 four years.</p> <p>12 A. Yes.</p> <p>13 Q. Actually, it was close to five years, it was more</p> <p>14 than five years.</p> <p>15 A. Close to five years, yes.</p> <p>16 Q. During that time did you ever work with Ronald</p> <p>17 Vaughan?</p> <p>18 A. Yes.</p> <p>19 Q. Tell me about your work relationship with</p> <p>20 Mr. Vaughan.</p> <p>21 A. We were both assigned to the same unit. We were</p> <p>22 mandated with the same duty. He was on our squad for most of</p> <p>23 that time.</p> <p>24 Q. Did you ever – were you ever assigned to be his</p> <p>25 partner?</p>	<p style="text-align: right;">Page 32</p> <p>1 narcotics. Okay? What is your reaction to that information?</p> <p>2 A. I don't believe he's ever obtained illegal narcotics</p> <p>3 from anyone.</p> <p>4 Q. Well, I'm telling you right now that there are text</p> <p>5 messages that are publicly out there from Officer Zajac</p> <p>6 stating: I want these narcotics. I've taken these narcotics.</p> <p>7 I like how these narcotics affect me. I would like to obtain</p> <p>8 more narcotics.</p> <p>9 Assuming everything I just said is true, what is</p> <p>10 your reaction to that?</p> <p>11 A. I don't have a comment on that, sir.</p> <p>12 Q. But I'm asking: What is your reaction to that? How</p> <p>13 do you feel about that? What is your reaction to that?</p> <p>14 A. I don't have a comment on that, sir.</p> <p>15 Q. Do you not have a comment because you don't have a</p> <p>16 reaction or you just don't want to answer my question?</p> <p>17 A. I don't have a reaction to it.</p> <p>18 Q. You have no reaction to the fact that your former</p> <p>19 partner is publicly identified, as a sworn law enforcement</p> <p>20 officer, as to buying illegal drugs? You have no reaction to</p> <p>21 that?</p> <p>22 A. I don't know if it's true or not, sir, so I don't</p> <p>23 know.</p> <p>24 Q. Let's just play a game here and let's assume that</p> <p>25 what's publicly reported and was entered into evidence in a</p>

8 (Pages 29 to 32)



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<p style="text-align: right;">Page 33</p> <p>1 Federal suit is true. Let's assume that's true. What would 2 your reaction be if that were true?</p> <p>3 MR. MILLIKAN: I'm going to just object to the 4 extent it calls for speculation.</p> <p>5 But Bill, assuming those – that information is 6 true, what's your reaction? Go ahead and answer.</p> <p>7 A. I would not approve of it.</p> <p>8 Q. (By Mr. Khazaeli) Okay. And based on your 9 experience as a police officer if an officer was found buying 10 and using illegal narcotics what should happen?</p> <p>11 A. Buying and using illegal narcotics?</p> <p>12 Q. Yes.</p> <p>13 A. Is that what you said?</p> <p>14 Q. Yeah. What should happen to the officer?</p> <p>15 A. They should not be a police officer anymore.</p> <p>16 Q. Right. Should they be able to get a lifetime 17 retirement?</p> <p>18 A. I'm not sure.</p> <p>19 Q. Okay. Let's go to Ronald Vaughan. You said that 20 the last time you spoke to him was – you said something about 21 his indictment. Was it before or after his indictment?</p> <p>22 A. You said the last time I spoke with him and I think 23 – I believe the last time I spoke with him was after his 24 indictment.</p> <p>25 Q. Tell me about what you know about his indictment.</p>	<p style="text-align: right;">Page 35</p> <p>1 A. I just – it just seemed silly to forge to a 2 doctor's note.</p> <p>3 Q. I mean, this is a doctor's note to get two weeks of 4 paid leave. Other than it was silly, do you have any other 5 reaction to that?</p> <p>6 A. No.</p> <p>7 Q. Are you aware that Officer Vaughan had previously 8 been accused of planting drugs on a witness that he arrest – 9 on a suspect that he arrested?</p> <p>10 A. I don't recall.</p> <p>11 Q. When you worked with him on the Narcotics Team, 12 nobody ever informed you that Ronald Vaughan had been accused 13 of planting drugs on somebody?</p> <p>14 A. No.</p> <p>15 Q. You'll concede that one of the things that you did 16 on the Special Ops and Narcotics Team was arrest people for 17 having drugs on them; correct?</p> <p>18 A. Yes.</p> <p>19 Q. Sitting here today would you want a – would you 20 have wanted to know that somebody on your team had been 21 accused of planting drugs on somebody in the past? Is that 22 information you think you should have known?</p> <p>23 A. Possibly. I mean, if they were actually doing it 24 then yes, I'd want to know.</p> <p>25 Q. But wouldn't you want to know about any accusations</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Very little. Just what I've read. That apparently 2 he had something to do with a medical form or something that 3 he turned in that was not properly signed or filled out or 4 something. I'm not sure exactly.</p> <p>5 Q. Well, I can tell you that what has publicly been 6 reported and that what is listed in the criminal Complaint 7 against him is that the St. Louis Police Department determined 8 that he forged a doctor's note from a doctor stating that he 9 needed to go out on paid COVID leave. Have you heard that?</p> <p>10 A. That sounds right.</p> <p>11 Q. Okay. When you spoke to Mr. Vaughan did you discuss 12 his indictment?</p> <p>13 A. I didn't ask him about that.</p> <p>14 Q. Did he bring it up?</p> <p>15 A. No.</p> <p>16 Q. Have you spoken to anybody about Ronald Vaughn's 17 indictment for forgery?</p> <p>18 A. No.</p> <p>19 Q. You worked with Ronald Vaughan for a long time; 20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. What was your reaction to learning that he was 23 indicted for forgery?</p> <p>24 A. I was surprised.</p> <p>25 Q. Why were you surprised?</p>	<p style="text-align: right;">Page 36</p> <p>1 against anybody on your team?</p> <p>2 A. Not necessarily.</p> <p>3 Q. What if you were to learn that a Judge had thrown 4 out a case involving Officer Vaughan after watching a video 5 that allegedly showed that he planted drugs on somebody? Is 6 that something you would want to know about another officer 7 that you're in the field with?</p> <p>8 A. I suppose.</p> <p>9 Q. When you say I suppose, what does that mean?</p> <p>10 A. Again, I mean, if he was actually doing something 11 like that, then yes, I'd want to know.</p> <p>12 Q. And sitting here today you cannot remember ever 13 being told that something like that occurred with Officer 14 Vaughan; correct?</p> <p>15 A. No.</p> <p>16 Q. Now, Officer Vaughan was involved in a shooting that 17 received a lot of publicity in St. Louis. Do you know about 18 that shooting?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. It was involving a man named Mansur, M-a-n-s-u-r, 21 last name Ball-Bey, B-a-l-l dash B-e-y. Are you familiar with 22 the Mansur Ball-Bey shooting?</p> <p>23 A. Yes.</p> <p>24 Q. Were you there?</p> <p>25 A. Yes, I was.</p>

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<p style="text-align: right;">Page 37</p> <p>1 Q. Tell me about that.</p> <p>2 A. Basically we were executing a search warrant on a</p> <p>3 residence and Detective Ronald Vaughan and his partner</p> <p>4 Detective Kyle Chandler were involved in a shooting with</p> <p>5 Mansur Ball-Bey in the rear of that house.</p> <p>6 Q. Did you see the shooting?</p> <p>7 A. No, sir. I was in the front of the house.</p> <p>8 Q. Did you see Mr. Ball-Bey with a weapon?</p> <p>9 A. No, I did not.</p> <p>10 Q. And you would agree with me that there were lots</p> <p>11 of – there was lots of publicity around the shooting;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. That there were a lot of protests regarding the</p> <p>15 shooting; correct?</p> <p>16 A. Yes.</p> <p>17 Q. That there were a lot of accusations made against</p> <p>18 Mr. Vaughan and Mr. Chandler that they had murdered</p> <p>19 Mr. Ball-Bey; correct?</p> <p>20 A. I – I don't recall but that sounds possible.</p> <p>21 Q. That there was a lot of – specific protests were</p> <p>22 about the two officers who shot Mr. Ball-Bey; correct?</p> <p>23 A. I – yeah, I believe there was protests there.</p> <p>24 Q. After the Mansur Ball-Bey shooting did anybody from</p> <p>25 Internal Affairs at the Police Department come and speak to</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Correct.</p> <p>2 Q. And let's be clear about this: This was an</p> <p>3 accusation that the St. Louis Police Department killed a black</p> <p>4 man; correct?</p> <p>5 A. Yes.</p> <p>6 Q. Have you heard anything about Officer Chandler being</p> <p>7 taken off of street duty?</p> <p>8 A. Yes.</p> <p>9 Q. What have you heard about Officer Chandler being</p> <p>10 taken off of street duty?</p> <p>11 A. I heard that he was put into Communications Division</p> <p>12 and I just heard that he was – I don't know if he was</p> <p>13 terminated or resigned. Recently –</p> <p>14 Q. And –</p> <p>15 A. – I've heard that he's no longer working there.</p> <p>16 Q. And was this based on the fact that he might have</p> <p>17 overdosed on a lot of drugs?</p> <p>18 A. Yes.</p> <p>19 Q. So Kyle Chandler, the other guy on the Mansur</p> <p>20 Ball-Bey shooting, you've heard overdosed on illegal drugs and</p> <p>21 was suspended; correct?</p> <p>22 MR. MILLIKAN: I'm just going to object to the</p> <p>23 extent that it lacks foundation.</p> <p>24 If you know, Bill, you can answer.</p> <p>25 A. It –</p>
<p style="text-align: right;">Page 38</p> <p>1 you?</p> <p>2 A. I don't believe so.</p> <p>3 Q. After the Mansur Ball-Bey shooting did anybody</p> <p>4 investigating any of the officers come and speak to you?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Were you interviewed by the Force Investigation Unit</p> <p>7 after the shooting?</p> <p>8 A. It's possible. I may have been interviewed by them.</p> <p>9 Q. But you don't remember sitting here.</p> <p>10 A. Yeah, I don't remember specifically but it sounds</p> <p>11 like something that would happen.</p> <p>12 Q. You don't remember ever, though, Internal Affairs</p> <p>13 investigating; correct?</p> <p>14 A. I don't remember, no, sir.</p> <p>15 Q. All right. You said he was with his partner Kyle</p> <p>16 Chandler; correct?</p> <p>17 A. Correct.</p> <p>18 Q. Do you know what Officer Chandler is doing right</p> <p>19 now?</p> <p>20 A. No, I don't.</p> <p>21 Q. Okay. When was the last time you spoke to Officer</p> <p>22 Chandler?</p> <p>23 A. It's been a long time. I don't recall.</p> <p>24 Q. But he was a – one of the other two people who was</p> <p>25 involved in this shooting; right?</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. (By Mr. Khazaeli) Let me withdraw that. Let me</p> <p>2 withdraw that.</p> <p>3 Mr. Olsten, you just testified that you've heard</p> <p>4 that information; right?</p> <p>5 A. Yes.</p> <p>6 Q. Who did you hear it from?</p> <p>7 A. I don't remember. It's been a while.</p> <p>8 Q. Well, I mean, this happened within the last year.</p> <p>9 You don't remember who you spoke to about one of your law</p> <p>10 enforcement colleagues overdosing on drugs? You don't</p> <p>11 remember that conversation?</p> <p>12 A. I don't remember who I spoke to about it, no, sir.</p> <p>13 Q. Do you remember the context of when you spoke to</p> <p>14 somebody about this?</p> <p>15 A. No, sir.</p> <p>16 Q. Do you remember if it was over text message or</p> <p>17 email?</p> <p>18 A. No.</p> <p>19 Q. Was it through Facebook Messaging?</p> <p>20 A. No.</p> <p>21 Q. Are you aware that as a Defendant in these lawsuits</p> <p>22 you have an obligation to preserve any documents relating to</p> <p>23 people involved in the incident at issue in this case;</p> <p>24 correct?</p> <p>25 A. That is – I'm sorry. Can you repeat that?</p>

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<p>1 Q. If you have any evidence relating to what happened</p> <p>2 on the night of the Busch Stadium protest or related to any of</p> <p>3 the other people involved, you realize that you can't destroy</p> <p>4 that evidence; correct?</p> <p>5 A. Yes. I suppose.</p> <p>6 Q. So one of the things I'm just going to ask you to do</p> <p>7 is at the end of this deposition look back with your lawyer</p> <p>8 and go through all of your documents and tell me if you have</p> <p>9 any documents relating to any of these questions I'm asking</p> <p>10 about the other officers there: Officer Vaughan, Officer</p> <p>11 Chandler, and we're going to get to some other ones. Okay?</p> <p>12 A. Okay.</p> <p>13 Q. So if you just look back with Brian about that</p> <p>14 because we need to have those produced.</p> <p>15 But you can – with that back there, just to wrap</p> <p>16 this up, you – your testimony is that you had been informed</p> <p>17 that Officer Chandler is being either terminated or</p> <p>18 disciplined because he was found with drugs and over-D'd on</p> <p>19 illegal drugs; correct?</p> <p>20 A. I'm not sure if they were illegal drugs but yes to</p> <p>21 everything else.</p> <p>22 Q. Okay. Oh, one other thing we didn't speak about,</p> <p>23 Mr. Olsten, and as you can tell I try to go very quickly</p> <p>24 through stuff, if at any point you need a break just let us</p> <p>25 know. I'm probably hoping to take a break a little bit after</p>	<p>1 when I said that.</p> <p>2 Q. (By Mr. Khazaeli) All right. Let's go to Larry</p> <p>3 Wentzel. Are you aware Larry Wentzel is on the Circuit</p> <p>4 Attorney's exclusionary list?</p> <p>5 A. I'm not aware of that.</p> <p>6 Q. But you've been on the exclusionary list before;</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Why?</p> <p>10 A. That's a great question, sir. We've never been</p> <p>11 informed of why I was on there.</p> <p>12 Q. When did you find out that you were on the</p> <p>13 exclusionary list? Before or after you were investigated for</p> <p>14 the case at the bar?</p> <p>15 A. At where?</p> <p>16 Q. At the bar. Yeah.</p> <p>17 A. I don't remember when I was told.</p> <p>18 Q. Okay. What happened when you were told – tell me</p> <p>19 the circumstances of how you were aware you were on the</p> <p>20 exclusionary list?</p> <p>21 A. I believe it – I don't know if it was just an email</p> <p>22 that was sent out to the Department or if we were contacted</p> <p>23 directly, but someone within the Police Department advised</p> <p>24 that I was on the list.</p> <p>25 Q. And what did you do once you found out you were on</p>
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<p>1 10:00 o'clock in about 15 minutes. But if you need one</p> <p>2 earlier than that let me know. Okay?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Are you aware of any other malfeasance that either</p> <p>5 Officer Vaughan or Officer Chandler has ever been accused of?</p> <p>6 MR. MILLIKAN: I'm going to object to the form of</p> <p>7 the question. It's vague. I'm not sure what malfeasance</p> <p>8 means.</p> <p>9 But if you understand the question, Bill, you can</p> <p>10 answer.</p> <p>11 A. I don't – yeah, I don't recall any others.</p> <p>12 Q. (By Mr. Khazaeli) You don't recall them being</p> <p>13 accused of any criminal activity?</p> <p>14 A. No.</p> <p>15 Q. Do you ever recall of them being accused of any</p> <p>16 inappropriate activity?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 MS. DUNCAN: Javad, are you done with this personal</p> <p>20 profile? Can you take that –</p> <p>21 MR. KHAZAEI: Oh. Thank you. Yeah. Sorry.</p> <p>22 MS. DUNCAN: Thank you.</p> <p>23 MR. KHAZAEI: Sorry about that. Yeah, you gotta</p> <p>24 look at our pretty faces. It's much better this way.</p> <p>25 I'd like everybody to note that Abby rolled her eyes</p>	<p>1 the list?</p> <p>2 A. I didn't do anything.</p> <p>3 Q. You didn't call your union?</p> <p>4 A. I don't remember if I did or not.</p> <p>5 Q. Did you speak to – now, I'm not asking, if you</p> <p>6 spoke to your attorney, I do not want you to tell me if you</p> <p>7 did speak to your attorney what your attorney told you.</p> <p>8 But did you speak to your attorney after that?</p> <p>9 A. It's possible. I honestly don't remember if I</p> <p>10 called him or not.</p> <p>11 Q. Do you remember taking any steps to figure out why</p> <p>12 you were on the exclusionary list?</p> <p>13 A. I may have made some phone calls or tried to reach</p> <p>14 out to the Circuit Attorney's Office, I don't remember</p> <p>15 exactly.</p> <p>16 Q. Did you take any steps to try to remove yourself</p> <p>17 from the exclusionary list?</p> <p>18 A. I don't recall.</p> <p>19 Q. Based on your knowledge what is the exclusionary</p> <p>20 list?</p> <p>21 A. A list of officers that are not allowed to go into</p> <p>22 the Circuit Attorney's Office.</p> <p>23 Q. When you say not allowed to go into the Circuit</p> <p>24 Attorney's Office specifically what do you mean?</p> <p>25 A. That officers physically can't go into the Circuit</p>

11 (Pages 41 to 44)

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<p>1 Attorney's Office to like apply on cases or testify or things</p> <p>2 of that nature.</p> <p>3 Q. And is this because the Circuit Attorney's Office</p> <p>4 has stated that they believe that there's some issues with the</p> <p>5 officers; correct?</p> <p>6 A. I don't know. I guess – I guess, yeah, they don't</p> <p>7 like the officer, they think something's wrong with him or</p> <p>8 what, I'm not sure.</p> <p>9 Q. But you never – you never found out what that was</p> <p>10 regarding you?</p> <p>11 A. No.</p> <p>12 Q. But you can confirm sitting here today that you were</p> <p>13 told that you were on the exclusionary list at some point;</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. Did that affect your day-to-day job other than going</p> <p>17 into the Circuit Attorney's Office to apply for charges?</p> <p>18 A. That would be the only thing that would change.</p> <p>19 Q. Did Sergeant Bartlett come and tell you that there</p> <p>20 was some issue?</p> <p>21 A. No.</p> <p>22 Q. Did he change your day-to-day activities?</p> <p>23 A. No.</p> <p>24 Q. Did he allow you to do every single thing the exact</p> <p>25 same way as before?</p>	<p>1 Q. Okay. Joseph Schmitt, how do you know Joseph</p> <p>2 Schmitt?</p> <p>3 A. He's a co-worker or was a co-worker at the Police</p> <p>4 Department.</p> <p>5 Q. What unit did he work for?</p> <p>6 A. I believe he was just in the Third District.</p> <p>7 Q. How well did you know him?</p> <p>8 A. I'm sorry?</p> <p>9 Q. How well did you know him?</p> <p>10 A. We socialized occasionally outside of work.</p> <p>11 MR. KHAZAEI: All right, guys, I think this is</p> <p>12 probably a good time to take a five-minute break.</p> <p>13 THE VIDEOGRAPHER: We're going off record at</p> <p>14 9:56 a.m.</p> <p>15 (Whereupon, there was a break in the proceedings</p> <p>16 from 9:56 a.m. to 10:07 a.m.)</p> <p>17 THE VIDEOGRAPHER: Back on the record 10:07 a.m.</p> <p>18 Q. (By Mr. Khazaeli) Okay. Mr. Olsten, I just want to</p> <p>19 go over just a few – to summarize a few things.</p> <p>20 So we just spoke about criminal charges against</p> <p>21 Officer Vaughan; correct?</p> <p>22 A. Yes.</p> <p>23 Q. And we spoke about an overdose and a move to</p> <p>24 terminate Officer Chandler; correct?</p> <p>25 A. Yes.</p>
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<p>1 A. Yes.</p> <p>2 Q. Did IAD ever come and investigate and speak to you</p> <p>3 about your time on the exclusionary list?</p> <p>4 A. No.</p> <p>5 Q. Did any police officer ever come and investigate and</p> <p>6 talk to you about you being on the exclusionary list?</p> <p>7 A. No.</p> <p>8 Q. Okay. Sitting here today you have no knowledge</p> <p>9 about Larry Wentzel being on the exclusionary list; correct?</p> <p>10 A. No, I don't.</p> <p>11 Q. When you worked with him and you were out in the</p> <p>12 field with him were you ever informed by any supervisors that</p> <p>13 he was on the exclusionary list?</p> <p>14 A. No.</p> <p>15 Q. So if you had gone in to do a bust with Larry</p> <p>16 Wentzel you would have had no idea that there were issues with</p> <p>17 him presenting evidence to the Circuit Attorney's Office?</p> <p>18 A. No.</p> <p>19 Q. Did other people on your team know that you were on</p> <p>20 the exclusionary list?</p> <p>21 A. I'm not sure if they did or not.</p> <p>22 Q. So there's a chance that you could have gone in to</p> <p>23 do a bust and other people on your team would not have known</p> <p>24 that there was an issue; correct?</p> <p>25 A. It's possible.</p>	<p>1 Q. And we spoke about Officer Wentzel being on the</p> <p>2 exclusionary list; correct?</p> <p>3 A. Yes.</p> <p>4 Q. And we spoke about Officer Zajac being alleged to</p> <p>5 have used drugs; correct?</p> <p>6 A. Yes.</p> <p>7 Q. And we spoke about you being on the exclusionary</p> <p>8 list; correct?</p> <p>9 A. Yes.</p> <p>10 Q. And we'll talk about it more but at separate times</p> <p>11 you were criminally charged involving two separate incidents;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall Internal Affairs ever – I'm sorry.</p> <p>15 Take a step back.</p> <p>16 And all of the people we just spoke about were</p> <p>17 people who were on the Special Operations Team in 2017;</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And in addition to those things I spoke to you</p> <p>21 about, Officers Chandler and Vaughan were involved in the</p> <p>22 shooting of Mr. Ball-Bey; correct?</p> <p>23 A. Correct.</p> <p>24 Q. At any point while you were on the Special</p> <p>25 Operations or Narcotics Team did anybody from Internal Affairs</p>

12 (Pages 45 to 48)



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<p>1 come and speak to you about the culture of the team?</p> <p>2 A. No.</p> <p>3 Q. Did anybody come and talk to you about the</p> <p>4 activities of the team?</p> <p>5 A. No.</p> <p>6 Q. Did anybody come and talk to you about any</p> <p>7 malfeasance that the team was involved in?</p> <p>8 A. No.</p> <p>9 Q. Did anybody from the criminal unit of the Police</p> <p>10 Department come and talk to you about any investigations into</p> <p>11 the Special Operations Team?</p> <p>12 A. No.</p> <p>13 Q. Did anybody from the criminal side of the Police</p> <p>14 Department ever come and talk to you about any malfeasance</p> <p>15 alleged regarding the Special Operations Team?</p> <p>16 A. No.</p> <p>17 Q. Did anybody from IAD ever come and talk to you about</p> <p>18 not the team as a whole but about any malfeasance perpetrated</p> <p>19 by any member of the Special Operations Team?</p> <p>20 A. No.</p> <p>21 Q. Did anybody from the criminal unit of the St. Louis</p> <p>22 Police Department ever come and talk to you about any</p> <p>23 potential malfeasance by any member of the Special Operations</p> <p>24 Team?</p> <p>25 A. No.</p>	<p>1 that's what I had that night but it's typically what we drove.</p> <p>2 Q. Okay. So tell me about what was going on that day.</p> <p>3 What were you doing that day?</p> <p>4 A. Again, we were just on the outskirts of the city</p> <p>5 just on stand-by.</p> <p>6 Q. Okay. Do you remember any incidents that day?</p> <p>7 A. No.</p> <p>8 Q. Just me one second.</p> <p>9 MR. KHAZAEI: Can we go off record for a minute?</p> <p>10 THE VIDEOGRAPHER: Going off record at 10:12 a.m.</p> <p>11 (Whereupon, there was a break in the proceedings</p> <p>12 from 10:12 a.m. to 10:13 a.m.)</p> <p>13 THE VIDEOGRAPHER: Back on the record, 10:13 a.m.</p> <p>14 Q. (By Mr. Khazaeli) Do you know an Officer Jarred</p> <p>15 Thacker?</p> <p>16 A. Yes.</p> <p>17 Q. How do you know Officer Thacker?</p> <p>18 A. We worked together in the Special Operations</p> <p>19 Division.</p> <p>20 Q. Okay. How long did you work with Officer Thacker?</p> <p>21 A. I don't remember how long he was down there, if he</p> <p>22 was there the whole time or just - I'm not sure but probably</p> <p>23 a couple years at least.</p> <p>24 Q. About how many people were on the Special Operations</p> <p>25 Team at that time?</p>
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<p>1 Q. I know that you worked this protest at - for the</p> <p>2 Jason Stockley case. Did you work any other protests?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. Were you working at City Hall the day of the verdict</p> <p>5 coming down?</p> <p>6 A. I don't believe I was. I don't remember, though.</p> <p>7 Q. Were you working two nights later, that's the night</p> <p>8 that Officer Hall was beaten at what we like to call the</p> <p>9 kettling, the mass arrest, at Washington and Tucker? Were you</p> <p>10 working either of those nights?</p> <p>11 A. I was working that night, yes.</p> <p>12 Q. Where were you working on that night?</p> <p>13 A. So that night we were in our cars assigned as like</p> <p>14 outer perimeter for the city, just basically -</p> <p>15 Q. When you say we, who is we?</p> <p>16 A. Special Operations.</p> <p>17 Q. Okay. Keep going.</p> <p>18 A. We weren't down there for the kettling but we were</p> <p>19 kind of on the outskirts of the city just on stand-by to</p> <p>20 respond if we needed to.</p> <p>21 Q. Okay. What kind of car were you driving?</p> <p>22 A. An unmarked police car.</p> <p>23 Q. What color was it?</p> <p>24 A. I don't remember exactly which car I had that night,</p> <p>25 but we typically drove a dark gray Mazda. I'm not sure if</p>	<p>1 A. Oh, there was - our specific team had maybe eight</p> <p>2 people but Special Operations as a whole probably had 20 to 30</p> <p>3 I would guess.</p> <p>4 Q. Let's go through the eight people. I'm going to ask</p> <p>5 for each of these officers tell me if they were on your team</p> <p>6 or if they were on general Special Operations. Okay?</p> <p>7 A. Yes.</p> <p>8 Q. Ronald Vaughan.</p> <p>9 A. My team.</p> <p>10 Q. Kyle Chandler.</p> <p>11 A. My team.</p> <p>12 Q. Officer Zajac.</p> <p>13 A. My team.</p> <p>14 Q. Officer Wentzel.</p> <p>15 A. My team.</p> <p>16 Q. Officer Thacker.</p> <p>17 A. My team.</p> <p>18 Q. Who else was on your team other than those people?</p> <p>19 A. James Bain, Marcus Alston, Matt Manley. And I'm</p> <p>20 trying to think of who else.</p> <p>21 Q. While you're thinking, Alston is spelled</p> <p>22 A-l-s-t-o-n?</p> <p>23 A. Yes, sir. That's all I can remember really.</p> <p>24 Q. Are you aware of public reports about Officer</p> <p>25 Thacker being suspended because of an allegation that he</p>

13 (Pages 49 to 52)

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<p>1 sexually assaulted a woman?</p> <p>2 A. I didn't hear that about Thacker.</p> <p>3 Q. But you've heard that about other officers; haven't</p> <p>4 you?</p> <p>5 A. I heard that about another officer, yes.</p> <p>6 Q. What officer?</p> <p>7 A. Leshaw, I think. Leshaw I believe is his last name.</p> <p>8 Q. L-e-s-h-a-w.</p> <p>9 A. I'm not sure how you spell it.</p> <p>10 Q. I was just telling the Court Reporter that's how you</p> <p>11 spell it.</p> <p>12 A. I'm sorry.</p> <p>13 Q. I think. I could be wrong. Okay.</p> <p>14 So let's go back to the night of the Luther Hall</p> <p>15 protest. What did you see?</p> <p>16 A. I didn't see anything. I was in my car on the</p> <p>17 outskirts of the city.</p> <p>18 Q. Was your car ever within the protesters, near the</p> <p>19 protesters?</p> <p>20 A. I don't believe so.</p> <p>21 Q. Do you have any recollection of your car being near</p> <p>22 protesters?</p> <p>23 A. No.</p> <p>24 Q. Has anybody informed you that there's a video of an</p> <p>25 unmarked police car driving through a crowd of people at high</p>	<p>1 A. Daily.</p> <p>2 Q. It's fair to say that you knew each other well?</p> <p>3 A. As much as you can know a work colleague I guess.</p> <p>4 Q. In a professional context; correct?</p> <p>5 A. Yes.</p> <p>6 Q. You saw each other all the time?</p> <p>7 A. At work, yes.</p> <p>8 Q. Yeah. You saw each other in your vehicles all the</p> <p>9 time; correct?</p> <p>10 A. I suppose.</p> <p>11 Q. Are you aware that Officer Thacker has identified</p> <p>12 you as the driver of the vehicle that drove through the crowd?</p> <p>13 A. No.</p> <p>14 Q. Did you drive a vehicle through a crowd of people at</p> <p>15 the – during the protest on September 17th?</p> <p>16 A. Not that I recall, no.</p> <p>17 Q. Did you drive a vehicle at high speed backwards</p> <p>18 through a group of people?</p> <p>19 A. Not that I recall.</p> <p>20 Q. And this is a video that was tweeted out by the St.</p> <p>21 Louis Police Department. Nobody ever asked you any questions</p> <p>22 about that?</p> <p>23 A. No.</p> <p>24 Q. You would agree with me that there aren't many</p> <p>25 unmarked Special Operations cars; right?</p>
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<p>1 speed going backwards? Do you know this video?</p> <p>2 A. From that protest?</p> <p>3 Q. From that protest.</p> <p>4 A. No, I don't.</p> <p>5 Q. You've never seen that video?</p> <p>6 A. No.</p> <p>7 Q. Nobody from IAD has ever come and spoke to you about</p> <p>8 that video?</p> <p>9 A. No.</p> <p>10 Q. Nobody from the Police Department has ever come and</p> <p>11 spoke to you about that video?</p> <p>12 A. No.</p> <p>13 Q. And the reason this video's important is there are a</p> <p>14 lot of people who allege that this officer driving through the</p> <p>15 crowd and almost hitting people is what precipitated a lot of</p> <p>16 the property damage that night. Do you know anything about</p> <p>17 that?</p> <p>18 A. No, sir.</p> <p>19 Q. Are you aware that – well, how long did you work</p> <p>20 for Thacker?</p> <p>21 A. Work with Thacker?</p> <p>22 Q. Yeah.</p> <p>23 A. Probably a couple years.</p> <p>24 Q. And when you worked with Officer Thacker how often</p> <p>25 would you guys see each other?</p>	<p>1 A. There's quite a few.</p> <p>2 Q. How many would you say?</p> <p>3 A. They change them out pretty frequently. But, I</p> <p>4 mean, there's got to be 20 or 30 probably.</p> <p>5 Q. But you also will agree with me that there are only</p> <p>6 about 20 people who are on Special Ops at that point; right?</p> <p>7 A. 20 to 30, yeah.</p> <p>8 Q. So if the Police Department was trying to figure out</p> <p>9 who drove that car they could have spoken to 20 to 30 people;</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did anybody ever come and ask you about whether or</p> <p>13 not you were driving that car?</p> <p>14 A. No.</p> <p>15 Q. Let's go to the incident where you were criminally</p> <p>16 charged and I believe the case was dismissed involving a</p> <p>17 shooting at Bomber O'Brien's. And that's</p> <p>18 O-apostrophe-B-r-i-e-n I believe. Let me look that up.</p> <p>19 Tell me what happened that night.</p> <p>20 MR. MILLIKAN: I just want to object. Or well, I'm</p> <p>21 going to actually instruct you, Bill, to or I'm going to</p> <p>22 recommend that you do is assert your Fifth Amendment</p> <p>23 privilege in that matter.</p> <p>24 MR. KHAZAEI: Isn't that case dismissed? Was it</p> <p>25 dismissed with –</p>

14 (Pages 53 to 56)

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1 MR. MILLIKAN: It was dismissed --  
 2 MR. KHAZAEI: Let's go off, let's go off the record  
 3 for a second.  
 4 MR. MILLIKAN: Sure.  
 5 THE VIDEOGRAPHER: Going off record 10:20 a.m.  
 6 (Whereupon, there was a break in the proceedings  
 7 from 10:20 a.m. to 10:20 a.m.)  
 8 THE VIDEOGRAPHER: Back on the record, 10:20 a.m.  
 9 Q. (By Mr. Khazaeli) Mr. Olsten, before we went on a  
 10 quick break your attorney advised you to not answer questions  
 11 regarding this incident and to assert your First Amendment  
 12 right -- I'm sorry, your Fifth Amendment rights. Can you tell  
 13 me what you're going to do?  
 14 A. I'll be listening to my attorney and asserting my  
 15 Fifth Amendment right.  
 16 Q. Okay. We'll move on.  
 17 MR. KHAZAEI: Now, Brian, I'm going to ask some  
 18 periphery questions about this. Okay? And I think these  
 19 should be fine but let me know if you've got problems  
 20 with them. Okay?  
 21 MR. MILLIKAN: Okay.  
 22 Q. (By Mr. Khazaeli) Without telling me what was  
 23 discussed were you ever -- did Internal Affairs ever come and  
 24 speak to you regarding the Bomber O'Brien incident?  
 25 A. I don't believe -- I don't know if it was Internal

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1 Affairs or the Force Investigative Unit but I spoke to someone  
 2 down there.  
 3 Q. Do you know who you spoke to?  
 4 A. I don't remember.  
 5 Q. And in -- time-wise how soon after the shooting did  
 6 you speak to somebody?  
 7 A. I think it was relatively quick. I don't remember  
 8 exactly but it was probably within a week or two I would  
 9 think.  
 10 Q. And that's just the general investigation whenever  
 11 there's a shooting; correct?  
 12 A. Yes.  
 13 Q. Let's put that aside. Other than that did anybody  
 14 from Internal Affairs ever come and speak to you about what  
 15 occurred during that event?  
 16 A. I don't, I don't believe so.  
 17 Q. Did anybody from the Police Department come and  
 18 speak to you about what occurred at that event?  
 19 A. Like I said, I think it was Force Investigative Unit  
 20 that I spoke with.  
 21 Q. Other than that time just a week or two after the  
 22 event did anybody else come and interview you about the event?  
 23 A. I don't think so.  
 24 Q. All right. We can move on.  
 25 Let's go to the night of the Busch Stadium incident.

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1 All right? What do you recall about how you ended up down at  
 2 the protest?  
 3 A. I believe we were just assigned to be down there  
 4 that evening.  
 5 Q. Do you remember by who?  
 6 A. I'm not sure who would have, who would have told us  
 7 to be down there.  
 8 Q. Had you received any specific training about how to  
 9 deal with large protests of this caliber previous to being  
 10 assigned down there?  
 11 A. I don't recall.  
 12 Q. Were you ever assigned to the Civil Disobedience  
 13 Team?  
 14 A. No, I was not.  
 15 Q. Did you ever go through a civil disobedience  
 16 training?  
 17 A. I was never assigned to it and I don't believe I was  
 18 trained in it either.  
 19 Q. Back in the Academy we talked about how you had some  
 20 Constitutional training. Do you recall ever having any  
 21 training in the Academy about how to deal with large scale  
 22 protests?  
 23 A. It's possible but I don't remember exactly in the  
 24 Academy, it's been so long.  
 25 Q. Do you remember any point during your ten plus year

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1 police career of ever having any training on how to deal with  
 2 large scale protests?  
 3 A. I don't recall.  
 4 Q. Do you recall anybody ever stating any kind of  
 5 apprehension about having officers, Detectives Vaughan and  
 6 Chandler, at a protest that is a protest about the shooting of  
 7 a black man?  
 8 A. I don't recall that, sir.  
 9 Q. I mean, we spoke earlier: They were targets of a  
 10 previous protest; correct?  
 11 A. Yeah, it's possible. I don't know if they were  
 12 exactly targets or just the Police Department as a whole.  
 13 Q. But they were the ones who shot the person who was  
 14 the person that the protests were about; correct?  
 15 A. Correct.  
 16 Q. You don't know of any other officers that shot  
 17 Mr. Ball-Bey other than Officers Chandler and Vaughan;  
 18 correct?  
 19 A. Correct.  
 20 Q. Did anybody say, hey, it's probably not a good idea  
 21 to have these guys down here?  
 22 A. I don't recall if they did or not but, you know, I'm  
 23 not sure.  
 24 Q. I mean, you can understand why I'm coming here.  
 25 These guys are either people who killed a black man improperly

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<p>1 or they were unfairly targeted for accused of doing such a</p> <p>2 thing. Right?</p> <p>3 A. Yes.</p> <p>4 Q. One of those things; right?</p> <p>5 MR. MILLIKAN: Hold on. I'm going to object to</p> <p>6 that. I think it – it lacks foundation. I mean,</p> <p>7 there's no evidence in the record that would suggest that</p> <p>8 their names were even out in the public.</p> <p>9 MR. KHAZAEI: I mean, the names were released.</p> <p>10 Q. (By Mr. Khazaeli) But let's just: Assuming their</p> <p>11 names were out in the public. Well, forget assuming their</p> <p>12 names were out in the public. They themselves would have</p> <p>13 known that they were the ones who shot Mr. Ball-Bey; correct?</p> <p>14 A. Yes.</p> <p>15 Q. So they would know either if they properly shot</p> <p>16 Mr. Ball-Bey or improperly shot Mr. Ball-Bey; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And if the protests were about a shooting that they</p> <p>19 thought was proper, it would have been fair to say that they</p> <p>20 would have thought the criticism was unfair; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So did anybody at all in the Special</p> <p>23 Operations Team say why are these two guys out here?</p> <p>24 A. Not that I recall.</p> <p>25 Q. Do you ever recall seeing Officer Vaughan act</p>	<p>1 Q. That includes Officer Zajac; correct?</p> <p>2 A. Yes.</p> <p>3 Q. That includes you; correct?</p> <p>4 A. Yes.</p> <p>5 Q. That includes Ronald Vaughan; correct?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know of any IAD investigations, did anybody</p> <p>8 ever speak to you about the fact that Sergeant Bartlett is</p> <p>9 managing this team?</p> <p>10 A. No.</p> <p>11 Q. I mean, from what we've talked about so far, we're</p> <p>12 talking about you, Vaughan, Chandler, Wentzel, Zajac, Thacker.</p> <p>13 That's six people that were on the team. Right?</p> <p>14 A. Yes.</p> <p>15 Q. And you have named three other people; right?</p> <p>16 A. Yes.</p> <p>17 Q. Alston, Bain, and Manley; correct?</p> <p>18 A. Yes.</p> <p>19 Q. So six of the nine people that Sergeant Bartlett</p> <p>20 supervised that you can remember have had some allegation of</p> <p>21 malfeasance, major malfeasance; correct?</p> <p>22 A. I don't – I don't believe –</p> <p>23 Q. If everything – if everything that I told you today</p> <p>24 is true; right?</p> <p>25 A. It – yes.</p>
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<p>1 Improperly?</p> <p>2 A. No.</p> <p>3 Q. Did you ever see Officer Chandler act improperly?</p> <p>4 Never, ever?</p> <p>5 A. No.</p> <p>6 Q. And who was in charge of you guys that night?</p> <p>7 A. Our immediate supervisor was Eric Bartlett who is a</p> <p>8 Sergeant.</p> <p>9 Q. And Eric Bartlett would have been the person who was</p> <p>10 in charge of Jarred Thacker; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Who was accused of raping a woman. So Officer –</p> <p>13 I'm sorry, Sergeant Bartlett would have been the person who</p> <p>14 was in charge of Officer Wentzel; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Who is, as you've testified, like – in the process</p> <p>17 of possibly being terminated for overdosing on drugs; correct?</p> <p>18 A. No, not Officer Wentzel.</p> <p>19 Q. Sorry. Sorry. Sorry. Officer – let me strike</p> <p>20 that. Officer Chandler; correct? Let me strike all that.</p> <p>21 Officer – Sergeant Bartlett would be in charge of</p> <p>22 Officer Chandler who is currently in the process of possibly</p> <p>23 being terminated for overdosing on drugs; correct?</p> <p>24 A. Sergeant Bartlett would have been in charge of our</p> <p>25 whole team that night, yes.</p>	<p>1 Q. All right. And you know of no investigations into a</p> <p>2 Sergeant who six out of the nine people under him have had</p> <p>3 such allegations made? Nobody ever spoke to you about that;</p> <p>4 correct?</p> <p>5 A. No.</p> <p>6 Q. What training have you received in de-escalation?</p> <p>7 A. What training?</p> <p>8 Q. Yes.</p> <p>9 A. Just what we receive in the Academy.</p> <p>10 Q. Do you recall having any followup training regarding</p> <p>11 de-escalation after you left the Academy in 2007?</p> <p>12 A. It's possible.</p> <p>13 Q. Do you recall any sitting here today?</p> <p>14 A. I don't remember. We, I mean, we have to do several</p> <p>15 trainings every year to keep our POST license and it's always</p> <p>16 different so I'm not sure exactly.</p> <p>17 Q. Tell me what you – tell me sitting here today what</p> <p>18 your – what your knowledge is about de-escalation.</p> <p>19 A. My knowledge of it is to verbally try to de-escalate</p> <p>20 a volatile situation before anything else.</p> <p>21 Q. Why are you trained to verbally try to de-escalate a</p> <p>22 volatile situation?</p> <p>23 A. To avoid a physical confrontation.</p> <p>24 Q. Talk to me about the levels of deescalation.</p> <p>25 A. The levels of de-escalation?</p>

16 (Pages 61 to 64)

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<p style="text-align: right;">Page 65</p> <p>1 Q. Yep. Have you ever heard of mere presence as a form 2 of de-escalation? 3 A. Yes. 4 Q. Tell me what that means. 5 A. It means just the presence of being there as a 6 police officer, as an authority figure. 7 Q. All right. Have you heard of verbal uses of 8 de-escalation? 9 A. Yes. 10 Q. Tell me about that. 11 A. It's verbally trying to de-escalate the situation. 12 Q. And what – sorry. I think you already answered 13 this but I didn't write it down: What's the reason that you 14 verbally try to do stuff like that? 15 A. To avoid a physical confrontation. 16 Q. Okay. Is it true to say that if you use 17 antagonistic language that it would possibly increase the 18 chances of a physical confrontation? 19 A. It's possible. 20 Q. Have you reviewed any videos of the incident that is 21 at question in the Busch Stadium event? 22 A. Yes, I have. 23 Q. And when was – when did you review those? And 24 don't – if you did it with your attorney I do not want you to 25 tell me what you spoke about. But when did you review these</p>	<p style="text-align: right;">Page 67</p> <p>1 backwards with – my arm was hooked inside of one of the 2 suspect's arms. So I was walking him backwards but kind of 3 being pulled at the same time as they were escorting him. 4 Q. Correct. But in the video we see two other officers 5 walk near you and kind of get in between you and the person 6 who's cursing you; correct? 7 I mean, I can show you the video if you want, but do 8 you recall seeing that? 9 A. I don't recall seeing that, no. 10 Q. But you'll agree with me that eventually you moved 11 the suspect towards an area away from the protesters; correct? 12 A. Yes. 13 Q. We see you leave the video; correct? 14 A. Yes. 15 Q. And it's fair to say at that point – well, what was 16 going through your mind when you told the citizen who was 17 cursing you out to come and fuck me up then? What was going 18 through your mind? 19 A. Honestly I don't remember what was going through my 20 mind. 21 Q. It's fair to say that you weren't calm at that 22 point; correct? 23 A. It was a hectic situation at that time. 24 Q. Right. It was a hectic situation where you say come 25 on and fuck me up then, you leave the area, you get away from</p>
<p style="text-align: right;">Page 66</p> <p>1 videos? 2 A. It would have been before the criminal trial with my 3 attorney. 4 Q. Okay. Was that the last time you reviewed them? 5 A. Yes. 6 Q. And you can hear things in the video; correct? 7 A. Yes. 8 Q. And a member of the public was cursing you out 9 during the video; correct? 10 A. Yes. 11 Q. And you said – you gestured to that person and say 12 well, come on, fuck me up then; correct? 13 A. Yes. 14 Q. Is that de-escalation? 15 A. Not necessarily. 16 Q. What scenario would telling a person to come and 17 fuck me up then be de-escalation? 18 A. I'm not sure, sir. 19 Q. Can you think of any scenario where that would be 20 de-escalation? 21 A. Not off the top of my head. 22 Q. And in the video we see two African-American 23 officers kind of push you to the side and move you away from 24 the area; correct? 25 A. No, that's not true. I was actually walking</p>	<p style="text-align: right;">Page 68</p> <p>1 the protesters; correct? 2 A. Yes. 3 Q. Then you choose to come back to the protesters; 4 correct? 5 A. No. I just – I stopped. I didn't come back to 6 them. I stopped at a – there was like a makeshift fence 7 there where we handed off the arrested subject to other 8 officers and I stopped there. 9 Q. Okay. Then what happened? 10 A. Then – 11 Q. I'm sorry. Let's take that – so there was a fence 12 behind you; correct? 13 A. Yes. 14 Q. And behind that fence were other law enforcement 15 people; correct? 16 A. Yes. 17 Q. There was squad cars back there; correct? 18 A. I'm not sure if there were squad cars or not. 19 Q. Well, there were vehicles where you could take a 20 suspect away; correct? 21 A. I believe so. 22 Q. And you handed the suspect to other law enforcement; 23 correct? 24 A. Yes, I think so. 25 Q. And behind that barricade is where the law – some</p>

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<p style="text-align: right;">Page 69</p> <p>1 law enforcement was; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And there was law enforcement standing next to you;</p> <p>4 correct?</p> <p>5 A. Yes.</p> <p>6 Q. In fact, Officer Zajac is standing directly to your</p> <p>7 left; correct?</p> <p>8 A. At that time I don't believe Zajac was standing to</p> <p>9 my left. <u>The only one I remember standing next to me was</u></p> <p>10 <u>Sergeant Bartlett.</u></p> <p>11 Q. Okay. Sergeant Bartlett was near you. And in that</p> <p>12 area at the time Major Hayden was right there; correct?</p> <p>13 A. Yes, he was in the area.</p> <p>14 Q. And there were other members of the Special</p> <p>15 Operations Team; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And there were other members of the St. Louis Police</p> <p>18 Department; correct?</p> <p>19 A. Yes.</p> <p>20 Q. And a lot of them were behind the fence directly</p> <p>21 behind you; correct?</p> <p>22 A. Some of them were behind the fence I believe, yes.</p> <p>23 Q. And some of them were in front of you, some of them</p> <p>24 were to your left; correct?</p> <p>25 A. I remember Bartlett being to my left but apart from</p>	<p style="text-align: right;">Page 71</p> <p>1 A. Not that I recall.</p> <p>2 Q. Do you recall ever being trained on trying to</p> <p>3 minimize the effect of pepper spray to not hit other people</p> <p>4 that you are not targeting?</p> <p>5 A. I believe that's in the special order.</p> <p>6 Q. <u>Okay. Who were you targeting with the pepper spray?</u></p> <p>7 <u>A. Amir Brandy.</u></p> <p>8 <u>Q. So you were targeting one person?</u></p> <p>9 <u>A. I believe I was targeting one person but also there</u></p> <p>10 <u>was a large crowd, I was trying to get them to back up as</u></p> <p>11 <u>well.</u></p> <p>12 Q. You were trying to get them to back up. Were you –</p> <p>13 after you pepper sprayed Mr. Brandy did you make any attempts</p> <p>14 to effectuate any arrest?</p> <p>15 A. No, I did not.</p> <p>16 Q. Okay. So you were trying to get the crowd to back</p> <p>17 up?</p> <p>18 A. Yes.</p> <p>19 Q. <u>Previous – immediately previous to spraying the</u></p> <p>20 <u>crowd did you give any verbal warnings?</u></p> <p>21 <u>A. Several.</u></p> <p>22 <u>Q. And those would be caught on video, though; correct?</u></p> <p>23 <u>A. Yes. On the video you can hear me saying get back</u></p> <p>24 <u>several times.</u></p> <p>25 Q. Did anybody else attempt to make an arrest after you</p>
<p style="text-align: right;">Page 70</p> <p>1 that I'm not sure where everybody was. They were mostly to</p> <p>2 the back.</p> <p>3 Q. And I could show you the video right now but I'll</p> <p>4 just tell you that Officer Zajac is within like two feet of</p> <p>5 you to your left.</p> <p>6 A. Okay.</p> <p>7 Q. Okay. When you use pepper spray how are you trained</p> <p>8 to use it? What are you supposed to do with it?</p> <p>9 A. Point it at someone's face and spray in a sweeping</p> <p>10 motion.</p> <p>11 Q. When you say a sweeping motion, how much of a</p> <p>12 sweeping motion?</p> <p>13 A. I don't know exactly how many feet.</p> <p>14 Q. Well, if there's somebody let's say – you know, in</p> <p>15 the video you see Mr. Brandy probably about six or seven feet</p> <p>16 in front of you; right?</p> <p>17 A. Yes.</p> <p>18 Q. How much based on your knowledge were you supposed</p> <p>19 to sweep that pepper spray?</p> <p>20 A. Enough to get the desired effect.</p> <p>21 Q. Did you receive any training about not sweeping it</p> <p>22 to that – far enough that you start hitting people four or</p> <p>23 five, six feet away?</p> <p>24 A. Not that I recall.</p> <p>25 Q. So you've received no training regarding that?</p>	<p style="text-align: right;">Page 72</p> <p>1 pepper sprayed these people?</p> <p>2 A. No.</p> <p>3 Q. Did you make, did any – did you make any attempts</p> <p>4 to decontaminate the people?</p> <p>5 A. No.</p> <p>6 Q. Do you know of any specific St. Louis Police</p> <p>7 policies about decontaminating people who have been pepper</p> <p>8 sprayed?</p> <p>9 A. It applies to subjects who are in custody, yes.</p> <p>10 Q. After you pepper sprayed people did you retreat?</p> <p>11 A. No.</p> <p>12 Q. Did you go to try to find a safer location?</p> <p>13 A. No.</p> <p>14 Q. <u>Were you trying to extract yourself from the area?</u></p> <p>15 <u>A. No. It had the desired effect to back the crowd up.</u></p> <p>16 <u>Q. So your purpose for this was to just back the crowd</u></p> <p>17 <u>up; correct?</u></p> <p>18 <u>A. Back the crowd up and stop the threat of Amir</u></p> <p>19 <u>Brandy.</u></p> <p>20 Q. What threat was Amir Brandy? I mean, in the video</p> <p>21 you see him cursing but what was he doing other than cursing?</p> <p>22 A. <u>Well, it was his manner of cursing were actual</u></p> <p>23 <u>verbal threats. He kept saying that he was going to assault</u></p> <p>24 <u>me. And despite being told to get back several times he</u></p> <p>25 <u>continued to advance on me.</u></p>

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1 Q. So is it your testimony that at the point that you  
 2 sprayed him he was advancing on you?  
 3 A. Yes.  
 4 Q. And in fact what Mr. Brandy was saying was, if you  
 5 spray me I will fuck you up; correct?  
 6 A. No. He was saying he was going to fuck me up pretty  
 7 much the entire time he was yelling at me.  
 8 Q. Um-hmm. Did you ever see him -- what were in --  
 9 what was in Mr. Brandy's hand when he was saying this?  
 10 A. I believe his phone was.  
 11 Q. Did he have any weapons?  
 12 A. Not that I saw.  
 13 Q. Did he lift his arms in a striking manner like he  
 14 was going to punch you?  
 15 A. I don't recall.  
 16 Q. So there was making what you call verbal threats.  
 17 What physical attempts did he make to make physical contact  
 18 with you?  
 19 A. Again after ignoring several commands to get back he  
 20 kept advancing on me.  
 21 Q. So he was advancing on you.  
 22 A. Yes.  
 23 Q. And you would expect that to be seen on the video;  
 24 correct --  
 25 A. Yes.

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1 Q. -- that he was advancing?  
 2 Are people allowed to curse at police officers?  
 3 A. Yes, they are.  
 4 Q. Are people allowed to criticize police officers?  
 5 A. Yes, they are.  
 6 Q. Are people allowed to make verbal threats to police  
 7 officers?  
 8 A. No, they're not.  
 9 Q. Why?  
 10 A. Well, for the same reason you can't verbally threat  
 11 anyone.  
 12 Q. So after you pepper spray the crowd what do you do?  
 13 A. Then I just -- I stand there and additional officers  
 14 respond and arrive on scene, and I believe the CDT team was  
 15 requested and we extracted ourselves after the CDT team was  
 16 there.  
 17 Q. Before you use your pepper spray did you give any  
 18 commands directing people specific directions that they need  
 19 to go to remove themselves from the area?  
 20 A. I just told them to get back.  
 21 Q. Did you point out any routes of egress that they  
 22 must take?  
 23 A. No, I did not.  
 24 Q. Other than Mr. Brandy doing the verbal threats what  
 25 else was going on?

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1 A. The crowd was angry. A lot of screaming, yelling.  
 2 There was some items thrown. I got hit with a bottle at some  
 3 point during this event.  
 4 Q. Before or after the spray was used?  
 5 A. I believe -- it might have been after.  
 6 Q. Before the spray was used you said that the crowd  
 7 was yelling and angry. What else was going on?  
 8 A. They were also ignoring commands to get back. They  
 9 kept advancing on my position.  
 10 Q. And your position is that you did not move towards  
 11 the crowd; correct?  
 12 A. Once I got to the spot where the arrested subject  
 13 was relinquished to other officers I stopped at that -- at  
 14 that spot.  
 15 Q. And you took no -- after you handed off the subject  
 16 you took no forward movements; correct? You handed off the  
 17 subject and you froze where you were?  
 18 A. Handed off the subject and stopped, yeah, close to  
 19 that fence there. I didn't charge the subjects or anything.  
 20 Q. Did you ever take any steps towards anybody?  
 21 A. I don't recall taking any steps to anybody.  
 22 Q. Okay. You have a cross-claim in this lawsuit. Can  
 23 you tell me what that's about?  
 24 MR. MILLIKAN: I'll object to the extent -- to the  
 25 extent you're asking for a legal conclusion.

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1 Other than that, if you understand what the  
 2 cross-claim is, Bill, go ahead and answer.  
 3 THE WITNESS: No. I would just refer to you, Brian,  
 4 if you wanted to explain the cross-claim, but I don't  
 5 have the particulars of that.  
 6 Q. (By Mr. Khazaeli) I believe that one of your  
 7 allegations in your cross-claim is that everything that you  
 8 were doing that night you were doing because that's how you  
 9 were told to do things; correct?  
 10 A. It's possible, yes.  
 11 Q. That wasn't that you are -- that you were acting  
 12 rogue. I think -- I'm going to try to pull it, give me a  
 13 second. I'm going to search for this while this is going on  
 14 in the background.  
 15 But in this case --  
 16 MR. MILLIKAN: If I could just interrupt, the  
 17 language says in the course and scope of his duty if  
 18 that's what you're looking for.  
 19 MR. KHAZAEI: Thanks, Brian.  
 20 Q. (By Mr. Khazaeli) You've made the allegation that  
 21 everything that you did was within the course and scope of  
 22 your duty; correct?  
 23 A. Yes.  
 24 Q. What does that mean to you?  
 25 A. It means I followed the Department's policies and

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<p>1 procedures as they're outlined.</p> <p>2 Q. Do you know what the term ratified means?</p> <p>3 A. No, I don't.</p> <p>4 Q. So that means that sometimes your bosses can do</p> <p>5 things that will lead you to believe that what you did was</p> <p>6 proper. Right?</p> <p>7 So as an example, let's say you arrest somebody and</p> <p>8 afterwards they give you a commendation. That tells you you</p> <p>9 did a good job; correct?</p> <p>10 A. Yes.</p> <p>11 Q. Right. After you pepper sprayed the crowd what did</p> <p>12 Sergeant Bartlett say to you?</p> <p>13 A. I don't remember him saying anything to me.</p> <p>14 Q. Do you remember him asking you what happened?</p> <p>15 A. No.</p> <p>16 Q. Do you remember him at any point -- at any point</p> <p>17 questioning you as to why you did that?</p> <p>18 A. I don't remember him asking me that, no.</p> <p>19 Q. Did he ask you how you were doing, were you doing</p> <p>20 okay? Do you remember any conversations with your direct</p> <p>21 supervisor after this happened?</p> <p>22 A. I don't remember what we discussed.</p> <p>23 Q. Do you remember having any discussion at all?</p> <p>24 A. I don't remember.</p> <p>25 Q. Based on everything that happened that night do you</p>	<p>1 from that. Until reviewing this document I wasn't aware that</p> <p>2 that ever even happened.</p> <p>3 Q. Okay. But what happened? What was it about? What</p> <p>4 was the email?</p> <p>5 A. I have no idea.</p> <p>6 Q. You don't recall ever being a part of an</p> <p>7 investigation in 2010 regarding an email?</p> <p>8 A. Not at all.</p> <p>9 Q. Nobody ever came to speak to you about this?</p> <p>10 A. Nope.</p> <p>11 Q. So what you're telling me is that there's something</p> <p>12 in your IAD file right here that you don't recall IAD or</p> <p>13 anybody ever talking to you about?</p> <p>14 A. Correct.</p> <p>15 Q. And you have no knowledge of a written reprimand on</p> <p>16 May 18th, 2011?</p> <p>17 A. No. Again, until seeing this form I had no idea</p> <p>18 that that was even in there.</p> <p>19 Q. Well, what's your reaction to the fact that it looks</p> <p>20 like you got a written reprimand that nobody told you about?</p> <p>21 A. My reaction to that is that they either just put it</p> <p>22 in there or it's an error or where they just gave these out to</p> <p>23 a lot of people and didn't tell anyone.</p> <p>24 Q. Right. But I mean, do you have a -- are you okay</p> <p>25 with that? Like do you have a reaction to that? Does it</p>
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<p>1 believe that your actions were consistent with what your</p> <p>2 supervisors wanted you to do?</p> <p>3 A. Yes, I do.</p> <p>4 Q. That you were acting exactly how you were trained to</p> <p>5 act as a St. Louis police officer?</p> <p>6 A. Yes.</p> <p>7 Q. I'm going to put up a different document right now.</p> <p>8 Okay? This is your snapshot. So this is previously marked as</p> <p>9 City's 00001 through 4 in Aldridge. This is your IAD history.</p> <p>10 Okay?</p> <p>11 A. Okay.</p> <p>12 Q. Now, this is just what shows up in your IAD stuff.</p> <p>13 I'm assuming that you've had other complaints that don't show</p> <p>14 up so I'm going to ask you about those generally. Okay? So</p> <p>15 I'm going to share the screen.</p> <p>16 And I'm not marking these as exhibits just because</p> <p>17 they're previously, you know, they've already been. But let's</p> <p>18 go through here.</p> <p>19 Your first complaint against you is in</p> <p>20 September 16th, 2010 where you were accused of misusing</p> <p>21 Department computer systems and you received a written</p> <p>22 reprimand. It says numerous employees forwarded a chain</p> <p>23 letter through the Department's email system. What was that</p> <p>24 about?</p> <p>25 A. I don't even remember receiving a written reprimand</p>	<p>1 bother you? How do you feel about the fact it looks like you</p> <p>2 have a written reprimand in your file that you knew nothing</p> <p>3 about?</p> <p>4 A. I'm indifferent to it. I don't work there anymore.</p> <p>5 Q. If you still worked there how would you feel about</p> <p>6 that?</p> <p>7 MR. MILLIKAN: I'll object. It calls for</p> <p>8 speculation.</p> <p>9 Go ahead and answer if you know.</p> <p>10 A. I don't know. Again --</p> <p>11 Q. (By Mr. Khazaei) What I'm trying to get to -- I</p> <p>12 mean, I'll just tell you this: I worked in the government for</p> <p>13 a long time. If I had something in my file that was negative</p> <p>14 about me that nobody told me about and it showed up it would</p> <p>15 bother me.</p> <p>16 I guess my question is: Does it bother you that</p> <p>17 there is some negative complaint against you that you knew</p> <p>18 nothing about that you had no chance to defend yourself on?</p> <p>19 A. Yeah, I guess it does.</p> <p>20 Q. Let's go to this December 31st, 2010. It says a</p> <p>21 DARB was sustained. What's a DARB?</p> <p>22 A. I have no idea.</p> <p>23 Q. Do you know --</p> <p>24 MR. MILLIKAN: Javad, it's a Department Accident</p> <p>25 Review Board is what that stands for.</p>

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<p>1 Q. (By Mr. Khazaeli) Okay. And I was going to get to 2 that. Down here it says chargeable accident. So this is 3 usually – would a DARB be something that involves your motor 4 vehicle? 5 A. Yes. 6 Q. Do you remember what this late 2010 DARB incident 7 was? It would have been on New Year's Eve. 8 A. No, I sure don't. 9 Q. Let's talk about this July 24th, 2010 incident. 10 Okay? This says that you received written reprimand for 11 failing to attend grand jury. What was that about? 12 A. Yeah, I believe I just forgot to go to a grand jury 13 hearing. 14 Q. And the incident actually occurred in July of 2012; 15 correct? 16 A. It looks like it, yes. 17 Q. Do you know why it took almost two years for you to 18 get the written reprimand? 19 A. No, I don't. 20 Q. Did you challenge this, this discipline? 21 A. I don't recall challenging it. 22 Q. You don't recall filing a grievance regarding this? 23 A. No. 24 Q. So without filing a complaint – I'm sorry, without 25 fighting this it still took about a year and a half for this</p>	<p>1 complaint date but it's from November 4th, 2015. Person 2 alleged that their dog was shot. What happened in this dog 3 shooting? 4 A. I believe it was during a search warrant. They had 5 a dog that was off the leash in the front yard and it – 6 charging. 7 Q. Who shot the dog? 8 A. I shot the dog. 9 Q. Have you ever received any training as to how to 10 deal with a dog that's on its own property? 11 A. Well, it was off the leash and I was in the middle 12 of the street when I shot it so I wasn't on its property. 13 Q. Was the dog on its property before you guys began to 14 execute the search warrant? 15 A. I believe so. 16 Q. All right. And it was off its leash on its own 17 property; correct? 18 A. Yes. 19 Q. Was the property fenced? 20 A. It was in the front of the street. No, it was – it 21 was just sitting up on the porch I believe whenever we were 22 there. 23 Q. The dog was sitting on its porch when – and would 24 this have been the Special Operations Team? 25 A. Yes.</p>
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<p>1 written reprimand to occur; correct? 2 A. It looks like it. 3 Q. What about this, summary hearing requested, 4 November 6th? Do you know what that means? 5 A. No. 6 Q. Would a summary hearing be someplace where you are 7 asking to fight your complaint? Have you ever heard of the 8 term summary hearing before? 9 A. Yes. Yes, it's possible. 10 Q. All right. So it's possible you decided to 11 challenge this complaint; correct? 12 A. I mean, it's possible. It's nine years ago. 13 Honestly I don't remember. 14 Q. Well, I guess here's the question: During your ten 15 years as a police officer how often did you request a hearing 16 regarding a complaint against you? 17 A. I don't remember. 18 Q. Was it a lot, was it once or twice? Do you recall 19 any? 20 A. Could have been once or twice maybe. 21 Q. Let's go to this 2015 incident. Police vehicle 22 maintenance and non-emergency operation. Chargeable accident. 23 Do you remember what this accident was about? 24 A. Let's see. No, I don't remember that accident. 25 Q. All right. Let's get to January 2016 was the</p>	<p>1 Q. And when the Special Operations Team goes to search 2 a warrant how are you guys dressed? 3 A. We're in plainclothes but we wear ballistic, you 4 know, black ballistic vests that say Police across the front 5 and back and we have a duty belt on and typically a badge on. 6 Q. And I'm assuming that when you go to serve a warrant 7 like this it's not a slow action, it's kind of shock and awe, 8 you come in quickly and try to take over the area; right, for 9 officer safety? 10 A. Depending on the type of warrant it can be fast, 11 yes. 12 Q. Do you remember how the Police Department delivered 13 this warrant? 14 A. I don't remember. It wasn't my search warrant so 15 I'm not sure. 16 Q. Well, I guess how many times during your career have 17 you discharged your weapon? 18 A. A few times. 19 Q. What's a few times? 20 A. There was once in 2012, the miss incident. I was 21 involved in a shooting in – I can't remember what year it 22 was, might have been – might have been 2016 or '17. Maybe it 23 was '17. Yeah. And I think that was it. 24 Q. So three times. Can you any other times – was that 25 the Bomber O'Brien incident. And any other times that you've</p>

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<p>1 fired your weapon at somebody while you were on duty?</p> <p>2 A. Like I said, this one was a dog.</p> <p>3 Q. Right.</p> <p>4 A. But I had one in Rapid -- when I was in Rapid</p> <p>5 Deployment Unit in 2012 and then I think it was 2017.</p> <p>6 Q. So three times during your ten-year career?</p> <p>7 A. I think so, yes.</p> <p>8 Q. So these were -- firing your weapon you would agree</p> <p>9 with me is kind of a big deal; right?</p> <p>10 A. Absolutely.</p> <p>11 Q. Not something you want to do all the time.</p> <p>12 A. No.</p> <p>13 Q. It's a big deal, you know, like at that point I</p> <p>14 would assume that you thought that you were at some kind of</p> <p>15 risk to your safety or your life or somebody else's; right?</p> <p>16 A. Yes.</p> <p>17 Q. And the Force Investigation Unit comes out after a</p> <p>18 shooting; correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you tell them everything that occurred; right?</p> <p>21 A. Yes.</p> <p>22 Q. So what do you remember about how you guys served</p> <p>23 the warrant in this case?</p> <p>24 A. I don't remember how it was served. I just remember</p> <p>25 I was in the front of the house in the street when this</p>	<p>1 A. I don't know if they did anything. I believe there</p> <p>2 was a complaint from the dog's owner but I never -- I may have</p> <p>3 been questioned by them. I'm not sure if I was on not.</p> <p>4 Q. You don't remember ever being questioned by them?</p> <p>5 A. I don't recall if I was questioned or not.</p> <p>6 Q. Do you remember ever being asked about your badge</p> <p>7 number?</p> <p>8 A. No.</p> <p>9 Q. Have you ever told somebody -- have you ever refused</p> <p>10 to give somebody your badge number?</p> <p>11 A. No, I have not.</p> <p>12 Q. Have you ever told somebody to shut up while you</p> <p>13 were working?</p> <p>14 A. No, I have not.</p> <p>15 Q. Have you ever used derogatory language towards</p> <p>16 somebody while you were working?</p> <p>17 A. No.</p> <p>18 Q. So in your eleven-year career the first time you</p> <p>19 ever used any curse words towards somebody is when Amir Brandy</p> <p>20 was cursing at you?</p> <p>21 A. Yeah. I don't recall any other times in that.</p> <p>22 Q. Whole career. Never another time.</p> <p>23 A. Not that I recall, no.</p> <p>24 Q. Okay. You said that you were involved in a shooting</p> <p>25 with the Rapid Response Team. That's not on here. What</p>
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<p>1 occurred.</p> <p>2 Q. And so the team goes then to serve a warrant, a dog</p> <p>3 runs away and runs into the street. Then what happens?</p> <p>4 A. Yeah. It runs towards me, charging, growling and</p> <p>5 its mouth open and it gets basically right next to me, that's</p> <p>6 when I ended up shooting it.</p> <p>7 Q. Now, so now that we know the whole area, what kind</p> <p>8 of training have you received previous to that about dealing</p> <p>9 with dogs?</p> <p>10 A. I don't remember specific training on dealing with</p> <p>11 dogs.</p> <p>12 Q. You would agree with me that a lot of people own</p> <p>13 dogs; right?</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember ever receiving any training from the</p> <p>16 Police Department on how to deal with a dog?</p> <p>17 A. I don't recall receiving training on it.</p> <p>18 Q. Do you recall you ever receiving any training from</p> <p>19 the Police Department about when you can shoot and kill a dog</p> <p>20 that's coming at you?</p> <p>21 A. I don't recall.</p> <p>22 Q. Give me one second. What kind of investigation was</p> <p>23 done after you -- this shooting occurred?</p> <p>24 A. In reference to?</p> <p>25 Q. The dog shooting. What did the IAD do?</p>	<p>1 happened in that shooting?</p> <p>2 MR. MILLIKAN: I'm going to stop it here. Bill,</p> <p>3 I'll advise you on any shootings of individuals that</p> <p>4 you've not received a declination letter on from the</p> <p>5 Prosecuting Attorney's Office not to answer those</p> <p>6 questions and assert your Fifth Amendment privilege.</p> <p>7 Q. (By Mr. Khazaeli) Did you hear what your attorney</p> <p>8 said?</p> <p>9 A. Yes.</p> <p>10 Q. Are you going to do that?</p> <p>11 A. Yes, I'll do what my attorney tells me to.</p> <p>12 Q. I'm going to once again try to ask you some general</p> <p>13 questions because I'm just trying to figure out about this.</p> <p>14 The person that you shot, did that person die?</p> <p>15 A. No.</p> <p>16 Q. Do you know if any lawsuits were filed as a result</p> <p>17 of that?</p> <p>18 A. No.</p> <p>19 Q. Do you know if any complaints were filed as a result</p> <p>20 of that?</p> <p>21 A. No.</p> <p>22 Q. Do you know what ended up happening, was that person</p> <p>23 charged?</p> <p>24 A. Yes.</p> <p>25 Q. Do you know what the charge was?</p>

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<p>1 A. He was in -- just car-jacked a car, I'm not sure</p> <p>2 what his charges were exactly.</p> <p>3 Q. Do you recall sitting here today, without getting</p> <p>4 into the details of what you did that day, what the name of</p> <p>5 the person was?</p> <p>6 A. No, I sure don't.</p> <p>7 MR. KHAZAEI: And Abby, we would expect any</p> <p>8 documents related to this and any, you know, use of force</p> <p>9 and any complaints against him to be produced. Under</p> <p>10 whatever confidential rules we've got going on. Okay?</p> <p>11 I'm going to move on.</p> <p>12 MS. DUNCAN: We have them.</p> <p>13 MR. KHAZAEI: I'm sorry, what did you say, Abby?</p> <p>14 MS. DUNCAN: You'll supplement that.</p> <p>15 MR. KHAZAEI: Thank you. Okay. And I think we</p> <p>16 want all of the documents related to this dog shooting,</p> <p>17 too. And any other complaints whether or not they were</p> <p>18 sustained.</p> <p>19 Q. (By Mr. Khazaeli) Let's go to this August 2018</p> <p>20 incident. Okay? This is listed officers were involved in an</p> <p>21 off duty incident that involved one officer being shot with</p> <p>22 another civilian. This is Bob O'Brien's incident; correct?</p> <p>23 A. Yes.</p> <p>24 Q. And this is the incident you already asserted your</p> <p>25 Fifth Amendment rights on; correct?</p>	<p>1 Q. Okay. And were you at the Special Operations</p> <p>2 building on Manchester when this occurred?</p> <p>3 A. No. I was in the Communications Division.</p> <p>4 Q. And where -- I'm sorry, is that at the headquarters</p> <p>5 on Olive?</p> <p>6 A. No. It's the building where the dispatchers are.</p> <p>7 Q. Where is that?</p> <p>8 A. Next to the Police Academy.</p> <p>9 Q. I always get confused. Is the police -- where is</p> <p>10 the Police Academy now? Is that in the old Police</p> <p>11 Headquarters by the -- by City Hall?</p> <p>12 A. Yes. So it's on the opposite side of that block so</p> <p>13 if you know where the Federal Building is, it's directly --</p> <p>14 Q. Yeah.</p> <p>15 A. -- across the street from the Federal Building</p> <p>16 there.</p> <p>17 Q. On Tucker; right?</p> <p>18 A. On -- yeah.</p> <p>19 Q. Tucker and Clark; right?</p> <p>20 A. Tucker and Clark. Yes.</p> <p>21 Q. Directly south is the Young Federal Building and</p> <p>22 across the street is that -- directly east of it is the big</p> <p>23 Fire Department thing; right?</p> <p>24 A. Correct, yes.</p> <p>25 Q. Okay. That's what I thought.</p>
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<p>1 A. Yes.</p> <p>2 MR. KHAZAEI: Once again, Abby, we'd like all the</p> <p>3 documents for that, too.</p> <p>4 Q. (By Mr. Khazaeli) Now, this is one that I hadn't</p> <p>5 seen before. January 17th, 2019. On January 17th while on</p> <p>6 duty the listed officer who is detached to the Communications</p> <p>7 Division -- I think when we saw your group you were on the</p> <p>8 Communications Division; correct?</p> <p>9 A. Yes.</p> <p>10 Q. You received a random drug/alcohol screening. And</p> <p>11 I'm assuming this is talking about you; right?</p> <p>12 A. Yes.</p> <p>13 Q. And that your blood alcohol level was .062. And that</p> <p>14 you had a second blood alcohol level of .053; correct?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What happened in that incident?</p> <p>17 A. Basically I came to work and they said, hey, it's</p> <p>18 your random, random drug test today. I went to BarnesCare and</p> <p>19 took their test and then while you're there they also do the</p> <p>20 blood alcohol tests.</p> <p>21 Q. What time of day did you go to work that day?</p> <p>22 A. I believe it was 2:00 o'clock in the afternoon.</p> <p>23 Q. And at what point after you were at work were you</p> <p>24 told that you had a random drug test, an alcohol test?</p> <p>25 A. It was immediately.</p>	<p>1 So you're there, you get told and then what do you</p> <p>2 do?</p> <p>3 A. Then I go to BarnesCare.</p> <p>4 Q. All right. Where is BarnesCare located?</p> <p>5 A. At Manchester and like Kingshighway.</p> <p>6 Q. Okay. Do you go by yourself?</p> <p>7 A. Yes.</p> <p>8 Q. You drive yourself.</p> <p>9 A. Yes.</p> <p>10 Q. Once you walk into BarnesCare what happens?</p> <p>11 A. Then you check in and then they administer the test.</p> <p>12 Q. How long does it take for them to administer the</p> <p>13 test? Like how long -- do you remember how long you waited</p> <p>14 before you went in?</p> <p>15 A. Not long. So they have like a separate room there</p> <p>16 for like law enforcement or City employees that they kind of</p> <p>17 take you straight back whenever you get checked in there.</p> <p>18 Q. Okay. And were you armed at the time?</p> <p>19 A. I believe so.</p> <p>20 Q. When you're at Communications they didn't take your</p> <p>21 gun from you; right?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. So you drive down there. You've got your</p> <p>24 weapon on you. Then what happens?</p> <p>25 A. Then I get checked in and administer the test.</p>

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1 Q. Were you worried when you went in to the test?  
 2 A. No.  
 3 Q. Had you been – I mean, according to these results  
 4 you had been drinking earlier in the day, right?  
 5 A. It was early that morning basically from the night  
 6 before, before I went to sleep.  
 7 Q. What time did you go to sleep?  
 8 A. Like 5:00 a.m.  
 9 Q. So 5:00 in the a.m. and you drank until 5:00 a.m.?  
 10 A. Yes.  
 11 Q. How much do you weigh?  
 12 A. 180 pounds.  
 13 Q. So 180 pounds and now we're talking you went to work  
 14 at 2:00. About what time do you think you had your blood  
 15 alcohol taken?  
 16 A. You'd have to look at the form, sir. I don't  
 17 remember exactly what time it was.  
 18 Q. Well, roughly, you know. Just play this out.  
 19 MR. KHAZAELI: Well, actually, Abby, I'd like to  
 20 have all these forms produced, too.  
 21 Q. (By Mr. Khazaeli) You say you got to work at 2:00,  
 22 did a half hour, an hour later, how long do you think it  
 23 was until you –  
 24 A. Yeah. Maybe an hour later, hour and a half later.  
 25 Q. Let's say –

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1 for me.  
 2 A. Once a week possibly.  
 3 Q. Okay. And how often would you stay out drinking  
 4 until or be drinking until 5:00 in the morning?  
 5 A. Probably once a week.  
 6 Q. When you were at Bar 101 who were you with?  
 7 A. I don't remember if I was with anyone.  
 8 Q. But you might have been drinking by yourself at Bar  
 9 101?  
 10 A. It's possible.  
 11 Q. Could you have been with any police officers that  
 12 night?  
 13 A. I could have been.  
 14 Q. So how much did you say you weigh?  
 15 A. 180 pounds.  
 16 Q. And eight hours later your blood alcohol level was  
 17 .06?  
 18 A. .053, yes.  
 19 Q. Well, that was the second rating. The first one  
 20 said .062 actually, right?  
 21 A. Yes.  
 22 Q. Okay. Are you given any training – well, how many  
 23 drinks do you think you had the night before?  
 24 A. I think I had a couple at the bar and then I had a  
 25 few, several at home.

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1 A. Hour.  
 2 Q. Let's say an hour instead of hour and a half so  
 3 we're at 3:00 o'clock now. You went to bed at 5:00 a.m.  
 4 Where were you drinking the night before?  
 5 A. I'm trying to remember where we were. I might  
 6 have – I think I was at –  
 7 Q. You said –  
 8 A. – Bar 101 at Soulard –  
 9 Q. – where we were –  
 10 COURT REPORTER: One at a time, please.  
 11 Q. (By Mr. Khazaeli) Sorry. You said Bar 101 at  
 12 Soulard and then?  
 13 A. I think I was there and then at home I drank.  
 14 Q. Who were you with?  
 15 A. I don't even remember who I was with that night. If  
 16 anyone.  
 17 Q. So you might have been at home drinking by yourself?  
 18 A. I know I was at home by myself, yeah.  
 19 Q. Was it common that you would drink by yourself at  
 20 home?  
 21 A. Sometimes.  
 22 Q. How often?  
 23 A. I don't – I don't remember how many, I mean, how  
 24 often.  
 25 Q. Once a week, once a month, once a year? Estimate

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1 Q. What's a few, several?  
 2 A. I don't, I don't remember.  
 3 Q. Give me a rough estimate.  
 4 A. I think I was drinking whiskey at home. Had a few  
 5 whiskey glasses.  
 6 Q. So when you say a few, how many?  
 7 A. Three maybe.  
 8 Q. So you think you had a total of five drinks then  
 9 between going out to the bar and 5:00 in the morning, correct?  
 10 A. Maybe. Yeah, I mean, I don't remember exactly.  
 11 Q. Well, are you trained on blood alcohol levels?  
 12 A. We receive training in the Academy but that's about  
 13 it.  
 14 Q. And do you know how many drinks it takes an hour to  
 15 increase somebody's blood alcohol level?  
 16 A. I don't recall, it's been so long since we've had  
 17 any training on that.  
 18 Q. Have you received any training on how much time it  
 19 takes for alcohol levels to go down?  
 20 A. I'm not an expert at all, no.  
 21 Q. You said that you would possibly drink until 5:00 in  
 22 the morning about once a week. During how much of your career  
 23 would you do that?  
 24 A. Whenever this happened, probably just the last two  
 25 or three years.

24 (Pages 93 to 96)



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<p>1 Q. So this happened in January of 2019; correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the incident that we're talking about at Büsch</p> <p>4 Stadium occurred in September of 2017; correct?</p> <p>5 A. Correct.</p> <p>6 Q. Doing my math, that's one year and four months</p> <p>7 beforehand; correct?</p> <p>8 A. Yes.</p> <p>9 Q. That's during the period where you on a weekly basis</p> <p>10 would drink until 5:00 in the morning; correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And when you would drink until 5:00 in the</p> <p>13 morning while you were on Special Ops did you ever go to work</p> <p>14 the next day?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever go to work in the morning the next day?</p> <p>17 A. It's possible. I don't remember.</p> <p>18 Q. Often your warrants on Special Ops are executed in</p> <p>19 the morning; right?</p> <p>20 A. Yes.</p> <p>21 Q. And that was during the time that you were often</p> <p>22 drinking until 5:00 in the morning; correct?</p> <p>23 A. Yes.</p> <p>24 MR. MILLIKAN: I'm going to – I'm going to object</p> <p>25 to that question. Misstating the prior testimony. You</p>	<p>1 Q. You said that kind of – are you sure you've never</p> <p>2 brought your AR-15 to work?</p> <p>3 A. Yeah, I've never brought it to work, no.</p> <p>4 MR. KHAZAEI: Let's take ten just so I can loop</p> <p>5 back and make sure I didn't miss anything. Okay? We'll</p> <p>6 be out of here before lunch, before noon.</p> <p>7 THE VIDEOGRAPHER: We're going off record 11:14 a.m.</p> <p>8 (Whereupon, there was a break in the proceedings</p> <p>9 from 11:14 a.m. to 11:21 a.m.)</p> <p>10 THE VIDEOGRAPHER: Back on the record 11:21 a.m.</p> <p>11 Q. (By Mr. Khazaeli) I just wanted to loop back</p> <p>12 through a few things.</p> <p>13 You said that you were involved in a shooting when</p> <p>14 you were on Rapid Response, you were involved in the shooting</p> <p>15 involving the dog. There was a third shooting; right?</p> <p>16 A. Yes.</p> <p>17 Q. All right. I'm assuming that your attorney's going</p> <p>18 to advise you the same thing regarding that shooting.</p> <p>19 MR. KHAZAEI: Correct, Brian?</p> <p>20 MR. MILLIKAN: That's correct.</p> <p>21 Q. (By Mr. Khazaeli) So I'm not going to get into the</p> <p>22 specifics of the shooting too much but do you remember the</p> <p>23 name of the person who was shot?</p> <p>24 A. I think his name was Tyrone Smith.</p> <p>25 Q. And did Mr. Smith survive the shooting?</p>
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<p>1 said often. So I would object on that basis.</p> <p>2 Bill, if you know the answer you can answer.</p> <p>3 Q. (By Mr. Khazaeli) I think you've already answered</p> <p>4 yes; right?</p> <p>5 A. Yeah, it was during that time, yeah.</p> <p>6 Q. Based on police training, can a police officer be on</p> <p>7 duty with their gun with any alcohol in their system?</p> <p>8 A. Yeah, actually – no, I don't believe they can. No.</p> <p>9 Q. Do you know somebody named Christopher Tanner?</p> <p>10 A. I know – I know who he is but I don't know him</p> <p>11 personally.</p> <p>12 Q. How about Jason Stockley?</p> <p>13 A. Again I know who he was but I don't know him</p> <p>14 personally.</p> <p>15 Q. Now, Mr. Stockley, have you heard the allegation</p> <p>16 that Mr. Stockley drove around with a personal weapon in his</p> <p>17 vehicle?</p> <p>18 A. I'm not aware of that.</p> <p>19 Q. Have you ever – you've been spoken to before about</p> <p>20 bringing your personal weapon to work; haven't you?</p> <p>21 A. No.</p> <p>22 Q. You don't own an AR-15?</p> <p>23 A. Yes, I do own an AR-15.</p> <p>24 Q. And you've never brought that AR-15 to work?</p> <p>25 A. I don't believe so, no.</p>	<p>1 A. Yes.</p> <p>2 Q. Was Mr. Smith charged with anything?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what he was charged with?</p> <p>5 A. I don't recall.</p> <p>6 MR. KHAZAEI: Abby, we're going to want the</p> <p>7 documents regarding that shooting.</p> <p>8 Q. (By Mr. Khazaeli) Other than Force Investigation</p> <p>9 did anybody from IAD ever come and talk to you about that</p> <p>10 shooting?</p> <p>11 A. No.</p> <p>12 Q. Did Force Investigation come and talk to you about</p> <p>13 that shooting?</p> <p>14 A. Yes.</p> <p>15 Q. And since it's not showing up on your snapshot I'm</p> <p>16 assuming that they determined that was a justified shooting.</p> <p>17 A. Yes.</p> <p>18 Q. Have you since leaving the St. Louis Police</p> <p>19 Department applied for jobs with any other police departments?</p> <p>20 A. Just recently, yes.</p> <p>21 Q. Where?</p> <p>22 A. I applied for the Sheriff's Office in Jefferson</p> <p>23 County.</p> <p>24 Q. And why did you pick JeffCo Sheriff's Office?</p> <p>25 A. That's where I live.</p>

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<p>1 Q. Is that anything – Isn't that where Sergeant</p> <p>2 Rossomanno works?</p> <p>3 A. Yes. Yes, he does.</p> <p>4 Q. Did he have anything to do with you applying for</p> <p>5 that job?</p> <p>6 A. No.</p> <p>7 Q. When did you apply for the job at Jefferson County?</p> <p>8 A. It's been a few months now.</p> <p>9 Q. Have you heard back?</p> <p>10 A. I've tested with them but I haven't heard anything</p> <p>11 back.</p> <p>12 Q. Do you know if anybody – did you list anybody from</p> <p>13 the St. Louis Police Department as a reference for that job?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Who?</p> <p>16 A. Captain Mike Mueller I think I put on there.</p> <p>17 Q. And is Mueller spelled M-u-e-l-l-e-r?</p> <p>18 A. Yeah. I'm not positive if I put him on there but I</p> <p>19 think I did.</p> <p>20 Q. Did you speak to Mr. – to Captain Mueller before</p> <p>21 you applied?</p> <p>22 A. Yeah. I just asked him if I could put him on as a</p> <p>23 reference.</p> <p>24 Q. And did he say yes?</p> <p>25 A. Yes.</p>	<p>1 still a policeman. I don't remember when.</p> <p>2 Q. Okay.</p> <p>3 A. Several years.</p> <p>4 Q. Let's go – let's go back: So the fact that you're</p> <p>5 applying for these jobs, that leads me to believe – and tell</p> <p>6 me if I'm wrong – that your POST license, your P-O-S-T</p> <p>7 license, is still valid; correct?</p> <p>8 A. Yes, it is.</p> <p>9 MR. KHAZAEI: And POST, Lei Ann, is all</p> <p>10 capitalized.</p> <p>11 Q. (By Mr. Khazaeli) Do you know of any actions taken</p> <p>12 against your POST license?</p> <p>13 A. I received a letter from them that said they have</p> <p>14 looked at my disciplinary stuff. However, that my POST was</p> <p>15 still active and that they didn't find reason to suspend my</p> <p>16 POST license.</p> <p>17 Q. Even though you had a blood alcohol level of between</p> <p>18 .053 and .062 while at work with a gun?</p> <p>19 A. Yes.</p> <p>20 Q. Now, I'm looking back at that disciplinary record</p> <p>21 and I'm a little bit confused. You were terminated; correct?</p> <p>22 You didn't resign; right?</p> <p>23 A. I resigned.</p> <p>24 Q. Okay. So you resigned. You actually – you were</p> <p>25 not terminated.</p>
Page 102	Page 104
<p>1 Q. Was Captain Mueller aware of you being disciplined</p> <p>2 because of your – because of blood alcohol level in your –</p> <p>3 because of your blood alcohol level?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Was Captain Mueller – obviously because of the</p> <p>6 press knew about the shooting at Bomber O'Brien's; correct?</p> <p>7 MR. MILLIKAN: I'm going to object. It calls for</p> <p>8 speculation.</p> <p>9 Q. (By Mr. Khazaeli) Did you ever speak to Captain</p> <p>10 Mueller about the shooter – shooting at Bomber O'Brien's?</p> <p>11 A. No, not that I recall.</p> <p>12 Q. Before he agreed to give you a recommendation did he</p> <p>13 ask you about the shooting at Bomber O'Brien's?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Okay. Do you know if you listed Sergeant Bartlett</p> <p>16 as a reference?</p> <p>17 A. I don't believe I did.</p> <p>18 Q. Other than Captain Mueller did you list anybody else</p> <p>19 as references?</p> <p>20 A. Not from the Police Department I don't think so.</p> <p>21 Q. When was the last time you spoke to Sergeant</p> <p>22 Rossomanno?</p> <p>23 A. I saw him at the testing for Jefferson County I</p> <p>24 guess it was probably three weeks ago. Apart from that I</p> <p>25 haven't spoken to him since – since he was – since I was</p>	<p>1 A. Correct.</p> <p>2 Q. So when the report here says that you were</p> <p>3 terminated, that's actually false; right?</p> <p>4 A. That's wrong. Yeah.</p> <p>5 MR. MILLIKAN: Javad, I can clear this up for you if</p> <p>6 you'd like.</p> <p>7 MR. KHAZAEI: I'm assuming that this is just he was</p> <p>8 told he was going to be terminated and he resigned.</p> <p>9 Right?</p> <p>10 MR. MILLIKAN: He was initially terminated, that was</p> <p>11 reversed on appeal, and he then resigned after it was</p> <p>12 reversed.</p> <p>13 Q. (By Mr. Khazaeli) Let me ask this question, and</p> <p>14 Mr. Olsten, if you don't know it I can get it from Brian:</p> <p>15 When you were initially terminated do you remember</p> <p>16 if it was for the Bomber O'Brien case, if it was for the blood</p> <p>17 alcohol thing or if it was for both of them?</p> <p>18 A. Just the blood alcohol thing.</p> <p>19 Q. So no termination action was taken against you</p> <p>20 because of the Bomber O'Brien –</p> <p>21 A. No.</p> <p>22 Q. – case; correct?</p> <p>23 A. No.</p> <p>24 Q. And that blood alcohol case was reversed; correct?</p> <p>25 A. Yes, it was.</p>

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<p style="text-align: right;">Page 105</p> <p>1 Q. If it was reversed why did you then resign?</p> <p>2 MR. MILLIKAN: And to the extent that -- I'm going</p> <p>3 to object to the extent that some of this calls for</p> <p>4 attorney-client communication. What he knows about it</p> <p>5 was certainly communicated by me to him.</p> <p>6 So I want to be careful about, Bill, you not talking</p> <p>7 about what we talked about if that's possible to answer</p> <p>8 that question.</p> <p>9 Q. (By Mr. Khazaeli) And answer this question</p> <p>10 generally as to what your mindset was. I don't want you to</p> <p>11 give me any specific word for word conversation that you had</p> <p>12 with Brian. Okay?</p> <p>13 What was your mindset after your case was reversed?</p> <p>14 And I'm assuming when it was reversed you could go back on</p> <p>15 duty. Why did you choose to resign?</p> <p>16 A. I don't want to work in the city anymore.</p> <p>17 Q. So it was your choice to leave the Police</p> <p>18 Department; correct?</p> <p>19 A. Yes, it was my choice to resign.</p> <p>20 Q. Do you remember who was on your panel when you</p> <p>21 decided to fight the termination?</p> <p>22 THE WITNESS: Brian, you would have to answer that.</p> <p>23 I'm not sure.</p> <p>24 MR. MILLIKAN: It wasn't a panel. It was appealed</p> <p>25 to the Civil Service Commission.</p>	<p style="text-align: right;">Page 107</p> <p>1 Lieutenant Jemmerson was there, J-e-m-m-e-r-s-o-n --</p> <p>2 A. Yes.</p> <p>3 Q. -- right? And he would have been below Major</p> <p>4 Hayden; correct?</p> <p>5 A. Yes.</p> <p>6 Q. And Major Hayden didn't use any pepper spray;</p> <p>7 correct?</p> <p>8 A. Not that I'm aware, sir.</p> <p>9 Q. And Mr. Hayden -- Major Hayden did not direct you to</p> <p>10 use any pepper spray; did he?</p> <p>11 A. No.</p> <p>12 Q. Did Mr. -- did Major Hayden ever come afterwards and</p> <p>13 ask you what happened?</p> <p>14 A. Not that I recall.</p> <p>15 Q. Did he ever ask you if you were okay?</p> <p>16 A. Not that I recall.</p> <p>17 Q. Did he ever ask you about why you used the pepper</p> <p>18 spray?</p> <p>19 A. No.</p> <p>20 Q. Did he ever ask you why you didn't try to arrest</p> <p>21 somebody after using the pepper spray?</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did he ever ask you why you didn't leave the area</p> <p>24 after you used the pepper spray?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 106</p> <p>1 MR. KHAZAELI: Okay. The Civil Service Commission.</p> <p>2 Q. (By Mr. Khazaeli) So the St. Louis Civil Service</p> <p>3 Commission determined that you being on duty with a blood</p> <p>4 alcohol level of .063 to .05 something with your weapon was</p> <p>5 not grounds to terminate you as a police officer.</p> <p>6 A. Yes.</p> <p>7 Q. All right. And I think this is my last line of</p> <p>8 questioning. Let's go back to the incident at Busch Stadium.</p> <p>9 All right? And you've reviewed the video.</p> <p>10 Major Hayden was there; right?</p> <p>11 A. Yes.</p> <p>12 Q. And Major -- and he was the white shirt that was the</p> <p>13 highest rank person on site; correct?</p> <p>14 A. Yes.</p> <p>15 Q. I don't remember. Do you recall any other white</p> <p>16 shirts on site?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Sergeant Bartlett was there; right?</p> <p>19 A. Yes.</p> <p>20 Q. And he would have ranked below Chief Hayden;</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. I'm sorry, Major Hayden at the time; correct?</p> <p>24 A. Yes.</p> <p>25 Q. And I think I saw in the one of the videos</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Did anybody ever come to you in after action</p> <p>2 scenario and talk to you about things you could have done</p> <p>3 better?</p> <p>4 A. No.</p> <p>5 MR. KHAZAELI: That's all I've got.</p> <p>6 MR. MILLIKAN: All right. Abby, do you have any?</p> <p>7 MS. DUNCAN: I do.</p> <p>8</p> <p>9 EXAMINATION</p> <p>10 BY MS. DUNCAN:</p> <p>11 Q. Mr. Olsten, you were asked about the Ball-Bey</p> <p>12 incident involving Officer Vaughan. Do you remember that</p> <p>13 questioning?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Did you see Mr. Ball-Bey that day?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you go inside the house?</p> <p>18 A. Yes, I did.</p> <p>19 Q. And when -- at what point did you go into the house?</p> <p>20 A. After SWAT cleared the house they relinquished it to</p> <p>21 me and then I began my -- my search of the residence.</p> <p>22 Q. At no point you saw Mr. Ball-Bey at that time?</p> <p>23 A. Not at all, no.</p> <p>24 Q. And if IAD were to call you in today and ask you</p> <p>25 about Mr. Vaughan's shooting of Mr. Ball-Bey would you have</p>

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<p style="text-align: right;">Page 109</p> <p>1 any information to provide them?</p> <p>2 A. No. Like I said, I was in the front of the house</p> <p>3 and they were in the rear so, I mean, I had no line of sight</p> <p>4 of Ball-Bey, Vaughan or Chandler.</p> <p>5 Q. You were asked about allegations that were made</p> <p>6 against Officers Wentzel, Vaughan, Chandler and Zajac; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Do you have any personal knowledge about why</p> <p>10 Mr. Wentzel would be on the exclusionary list?</p> <p>11 A. No, I don't.</p> <p>12 Q. Do you have any personal knowledge involving any of</p> <p>13 the allegations of forgery brought against Officer Vaughan?</p> <p>14 A. No, I don't.</p> <p>15 Q. Do you have any personal knowledge of the</p> <p>16 allegations against Mr. Chandler and his overdose?</p> <p>17 A. No, I do not.</p> <p>18 Q. Do you have any personal knowledge with respect to</p> <p>19 Zajac's alleged seeking of drugs?</p> <p>20 A. No, I do not.</p> <p>21 Q. And if IAD would bring you in to interview you about</p> <p>22 these allegations would you have any information to provide</p> <p>23 them with?</p> <p>24 A. No, I would not.</p> <p>25 Q. With respect to your use of pepper spray on</p>	<p style="text-align: right;">Page 111</p> <p>1 anything? That's after you talk to them; correct?</p> <p>2 A. Yes.</p> <p>3 Q. Are you ever taught to assume that somebody doesn't</p> <p>4 have personal information?</p> <p>5 A. I'm sorry, I don't understand the question.</p> <p>6 Q. All right. Ms. Duncan asked you several times</p> <p>7 whether you had any personal knowledge of incidents. When you</p> <p>8 were a detective and you were investigating a crime, did you</p> <p>9 just assume other that people who were near the crime did not</p> <p>10 have personal knowledge or did you take steps to confirm that</p> <p>11 yourself?</p> <p>12 A. Typically we'd take steps to confirm that.</p> <p>13 Q. All right. If you were in a -- I'm going to give</p> <p>14 you a hypothetical here and I'm just going to pre-object for</p> <p>15 your attorney that this is speculation.</p> <p>16 But let's say that you go into a criminal -- into a</p> <p>17 building. Right? Okay? And there are nine people in the</p> <p>18 building. And six of the nine people have been accused of</p> <p>19 committing some form of crime. Right?</p> <p>20 Would you as a detective investigate that whole</p> <p>21 group to figure out why there's a group of people where six of</p> <p>22 nine people are accused of criminal activity?</p> <p>23 MR. MILLIKAN: I'll object --</p> <p>24 Q. (By Mr. Khazaeli) That would be interesting --</p> <p>25 MR. MILLIKAN: I'll object for the record just so</p>
<p style="text-align: right;">Page 110</p> <p>1 September 29th at Busch Stadium, did anyone from the Police</p> <p>2 Department tell you to use your pepper spray?</p> <p>3 A. No.</p> <p>4 Q. Did anyone from SLMPD order you to use your pepper</p> <p>5 spray that night?</p> <p>6 A. No.</p> <p>7 Q. Before you used your pepper spray did you tell</p> <p>8 anyone that you were going to use it?</p> <p>9 A. Not that I recall.</p> <p>10 MS. DUNCAN: That's all the questions I have.</p> <p>11 MR. KHAZAEI: Brian, you got anything?</p> <p>12 MR. MILLIKAN: Javad, do you have any followup?</p> <p>13 MR. KHAZAEI: Very short.</p> <p>14</p> <p>15 REEXAMINATION</p> <p>16 BY MR. KHAZAEI:</p> <p>17 Q. You are a detective; correct?</p> <p>18 A. Yes the.</p> <p>19 Q. And you have investigated criminal activity before;</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. When you investigate criminal activity do you</p> <p>23 interview people who are near the scene of alleged crimes?</p> <p>24 A. Sometimes.</p> <p>25 Q. And is it sometimes you find out they don't know</p>	<p style="text-align: right;">Page 112</p> <p>1 it's clear.</p> <p>2 Q. (By Mr. Khazaeli) That would be interesting to you</p> <p>3 as a detective; correct?</p> <p>4 A. Yeah.</p> <p>5 Q. Right. You would want to know more about that;</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. You would want to ask everybody in that building</p> <p>9 what they knew about the other people; correct?</p> <p>10 A. Yes.</p> <p>11 Q. You would fully investigate that; correct?</p> <p>12 A. Typically, yes.</p> <p>13 Q. You wouldn't just assume that all of the nine people</p> <p>14 had no personal knowledge of what the other people did;</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And even if the people told you they had no personal</p> <p>18 knowledge you would conduct an additional investigation to</p> <p>19 confirm that that was true; correct?</p> <p>20 A. Possibly, yes.</p> <p>21 Q. All right. When you're investigating people you</p> <p>22 just don't always trust what they say; correct?</p> <p>23 A. Not always.</p> <p>24 Q. All right. You do independent investigations to get</p> <p>25 more information; correct?</p>

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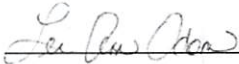
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<p>1 A. Yes.</p> <p>2 Q. Has anybody asked, ever asked you for your text</p> <p>3 messages between you and Officer Zajac?</p> <p>4 A. No.</p> <p>5 Q. Has anybody ever asked for text messages between you</p> <p>6 and Officer Boone?</p> <p>7 A. I don't believe I've ever texted Officer Boone.</p> <p>8 THE COURT REPORTER: I'm sorry. Officer Boone?</p> <p>9 MR. KHAZAELI: Boone. Boone.</p> <p>10 Q. (By Mr. Khazaeli) Has anybody ever asked you if</p> <p>11 you've ever texted with Officer Boone?</p> <p>12 A. No.</p> <p>13 Q. Has anybody ever asked you for any correspondence</p> <p>14 between you and Officer Vaughan?</p> <p>15 A. No.</p> <p>16 Q. Has anybody ever asked you for any correspondence</p> <p>17 between you and Officer Chandler?</p> <p>18 A. No.</p> <p>19 Q. You and Officer Wentzel?</p> <p>20 A. No.</p> <p>21 Q. You and Officer Thacker?</p> <p>22 A. No.</p> <p>23 Q. Has anybody, other than me today, has anybody ever</p> <p>24 investigated or spoke to you about anything regarding those</p> <p>25 other people that I just named?</p>	<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Lei Ann Laster Odom, Certified Realtime Reporter,</p> <p>4 Registered Merit Reporter, Certified Court Reporter for the</p> <p>5 State of Missouri, do hereby certify that the foregoing is a</p> <p>6 true and correct transcription of my stenographic notes of the</p> <p>7 testimony taken by me of the witness, WILLIAM OLSTEN, in the</p> <p>8 matter of RASHEEN ALDRIDGE, Plaintiff, versus CITY OF SAINT</p> <p>9 LOUIS, et. AL., Defendant, Case No. 4:18-cv-01677-CAS, said</p> <p>10 deposition held at via Zoom on September 3, 2021, between 9:02</p> <p>11 a.m. and 11:39 a.m., after said witness had been duly sworn by</p> <p>12 me, that said testimony was taken down in Stenotype,</p> <p>13 thereafter caused to be reduced to writing by means of</p> <p>14 computer-aided transcription, and the signature of said</p> <p>15 witness being waived.</p> <p>16 WHEREOF, I have hereunto set my hand and affixed my seal</p> <p>17 this 5th day of September, 2021.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 </p> <p>23 Lei Ann Odom</p> <p>24 Certified Court Reporter No. 428</p> <p>25 Certified Realtime Reporter</p> <p>Registered Merit Reporter</p>
<p>Page 114</p> <p>1 A. Not that I'm aware of.</p> <p>2 Q. That includes IAD; correct?</p> <p>3 A. Correct.</p> <p>4 Q. That includes your chain of command; correct?</p> <p>5 A. Correct.</p> <p>6 Q. That includes the Criminal Division of the Police</p> <p>7 Department that could be doing an investigation; correct?</p> <p>8 A. Correct.</p> <p>9 Q. That includes the FBI; correct?</p> <p>10 A. Correct.</p> <p>11 MR. KHAZAELI: No further questions.</p> <p>12 MR. MILLIKAN: Abby, do you have any?</p> <p>13 MS. DUNCAN: I have no follow-up. Thanks.</p> <p>14 MR. MILLIKAN: Okay. Bill, would you like to waive</p> <p>15 or read?</p> <p>16 THE WITNESS: We can waive.</p> <p>17 MR. MILLIKAN: He'll waive.</p> <p>18 THE VIDEOGRAPHER: This concludes the video recorded</p> <p>19 deposition of William Olsten at 11:39 a.m. We are off</p> <p>20 the record.</p> <p>21 (Witness excused.)</p> <p>22 *****</p> <p>23 (The deposition was concluded at 11:39 a.m.)</p> <p>24 (Signature waived.)</p> <p>25</p>	

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